

Stallings, et al. v. Wyeth, et al.

Deposition of
Brenda Stallings

June 28, 2004

<p>1 work with Junior Food Mart?</p> <p>2 A. I just went full time at Mayfair and just</p> <p>3 -- I kind of just cut all of that off. It was just</p> <p>4 too much.</p> <p>5 Q. When you started with Mayfair, were you</p> <p>6 on a part-time basis?</p> <p>7 A. No. I guess I said that wrong. I just</p> <p>8 decided to just work at Mayfair instead of all the</p> <p>9 other jobs. It was too much.</p> <p>10 Q. I see. All right. Did you have any</p> <p>11 employments before the three that we just talked</p> <p>12 about?</p> <p>13 A. No, I think that's it.</p> <p>14 Q. All right. Tell me your education</p> <p>15 background. How much schooling did you complete?</p> <p>16 A. I graduated high school. I attended</p> <p>17 trade school for about six months.</p> <p>18 Q. Let's go a step at a time. What high</p> <p>19 school did you graduate from?</p> <p>20 A. Noxubee County High School.</p> <p>21 Q. And what year did you graduate?</p> <p>22 A. 1985.</p> <p>23 Q. And did you graduate after completing 12</p> <p>24 years?</p> <p>25 A. Yes, sir.</p>	Page 30	<p>1 training as a hairstylist?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Where did you do that?</p> <p>4 A. At Gibson Beauty College.</p> <p>5 Q. Located where?</p> <p>6 A. In -- excuse me -- West Point.</p> <p>7 Q. How long was that course of study?</p> <p>8 A. It took 20 months because I had to do it</p> <p>9 on part time.</p> <p>10 Q. And did you complete that course of</p> <p>11 study?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Did you receive a certificate?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Are you licensed?</p> <p>16 A. Yes, sir.</p> <p>17 Q. How long have you had a license? This is</p> <p>18 -- and we're talking about a state -- is it a</p> <p>19 cosmetology license or what's the name of it?</p> <p>20 A. It's a barber license.</p> <p>21 Q. Barber? Okay.</p> <p>22 A. In '94. I got licensed in 1994.</p> <p>23 Q. Have you had that license continuously</p> <p>24 since 1994?</p> <p>25 A. Yes.</p>	Page 32
<p>1 Q. All right. And then what did you do</p> <p>2 after that time in terms of education? You</p> <p>3 mentioned a trade school.</p> <p>4 A. I went to trade school. I think it was</p> <p>5 like a year later. I went to trade school for about</p> <p>6 six months. It was a little course for six months.</p> <p>7 Q. What trade school did you attend?</p> <p>8 A. It was May Hugh. It was a part of East</p> <p>9 Mississippi Junior College. It was on the May Hugh</p> <p>10 campus.</p> <p>11 Q. And what were you studying there?</p> <p>12 A. Just sales. Retail.</p> <p>13 Q. All right. Any education after that</p> <p>14 trade school?</p> <p>15 A. I went to beauty college.</p> <p>16 Q. Let me be sure. On the trade school, did</p> <p>17 you obtain -- did you complete the course of study?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And it was a six-month course of study?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did you receive a certificate?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Is that what you got?</p> <p>24 A. Yes, sir.</p> <p>25 Q. All right. And then after that you got</p>	Page 31	<p>1 Q. It never has been suspended or revoked or</p> <p>2 anything like that?</p> <p>3 A. No, sir.</p> <p>4 Q. Okay. Have you had any other employment</p> <p>5 that we haven't talked about?</p> <p>6 A. I'm totally lost on the date, but I did</p> <p>7 work at a little restaurant -- I didn't do that no</p> <p>8 more than about three months -- called Angie's.</p> <p>9 It's like a fast food -- fast food restaurant.</p> <p>10 Q. Okay. Do you remember approximately when</p> <p>11 that was?</p> <p>12 A. I don't remember the date. It was one</p> <p>13 time I was working three and four jobs. So I can't</p> <p>14 really remember the dates.</p> <p>15 Q. Sure. Where is it located -- Angie's?</p> <p>16 A. It's in Macon also.</p> <p>17 Q. What was the reason that you stopped</p> <p>18 working there?</p> <p>19 A. Angie's went out of business.</p> <p>20 Q. Ms. Stallings, have you ever filed a</p> <p>21 workers' compensation claim?</p> <p>22 A. No, sir.</p> <p>23 Q. Have you ever filed a claim for Social</p> <p>24 Security disability benefits?</p> <p>25 A. No, sir, not for myself.</p>	Page 33

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<p>1 Q. Have you ever filed a disability claim 2 with an insurance company? 3 A. No, sir. 4 Q. Let's talk about the diet drugs that you 5 have taken during your lifetime. First, let me tell 6 you that we have received certain medical records 7 about you pursuant to the papers filed in this case. 8 And so far as I can tell -- and I'm going to ask you 9 to correct me if I'm wrong or give me any additional 10 information, but based on the records that we have 11 received it looks to me as though the two physicians 12 that you have seen that have prescribed diet drugs 13 for you of some type are Dr. Douglas L. Conner. And 14 he's apparently in Starkville, Mississippi. 15 A. He's deceased now, but.... 16 Q. Okay. And then the other one would be a 17 Dr. Edmond C. Henson in Mobile, Alabama. 18 A. Uh-huh. 19 Q. And I'm going to go over both of those 20 with you. But before we do that, do you recall 21 whether or not any other physician has ever 22 prescribed diet drugs for you? 23 A. Yes. 24 Q. All right. Who is that? 25 A. Dr. Hadene Hager -- I think I'm</p>	<p>Page 34</p> <p>1 Q. Okay. Do you remember when it was that 2 Dr. -- and I'm just going to call him Haider, 3 H-a-d-e-r, because we don't know the -- I don't have 4 his records. We don't have the correct spelling on 5 his name. But you'll understand that's who we're 6 talking about. 7 A. Okay. 8 Q. He's with the Macon Primary Health 9 Clinic? 10 A. Yes. 11 Q. When did Dr. Haider prescribe diet drugs 12 to you of any kind? 13 A. I believe I went to him in 1998. 1998. 14 Q. Okay. And did you -- how long did you 15 see Dr. Haider? 16 A. That was really just a one-time visit. 17 Q. One time? 18 A. Uh-huh. 19 Q. And did you go to him for the purpose of 20 obtaining a diet drug prescription? 21 A. Yes. 22 Q. And what diet drug did he prescribe to 23 you? 24 A. Phentermines. The phentermines. I think 25 I'm pronouncing it right.</p>
<p>1 pronouncing that right -- at the Macon Primary 2 Health Clinic. 3 Q. All right. It's -- the last name is 4 Hager, H-a-g-e-r? 5 A. I don't even know if that's spelled 6 right. I don't know. He's one of those 7 foreigners. I don't think it's spelled the way you 8 spelled it. 9 Q. But am I pronouncing it correctly, Hager? 10 A. Haider. 11 Q. Haider? 12 A. Yes. 13 Q. It might be with a "D," H-a-d-e-r? 14 A. Yes. 15 Q. Or something like that? 16 A. Something like that. 17 Q. And the first name is Hadene? 18 A. Hadene, uh-huh. 19 Q. With an "H" sound? 20 A. Yes. Yes. 21 Q. Hadene Haider? 22 A. Yes. 23 Q. All right. Is there any other physician 24 that has prescribed diet drugs for you? 25 A. I think that's it.</p>	<p>Page 35</p> <p>1 Q. Okay. And do you recall specifically 2 what brand of phentermine -- 3 A. Huh-uh. 4 Q. -- he prescribed to you? 5 A. No. 6 Q. Were you aware that different companies 7 make different types of phentermine medication? 8 A. No, sir. 9 Q. When Dr. Haider prescribed you 10 phentermine in 1998, how long did you take that 11 prescription? 12 A. It was just a 30-day supply. 13 Q. Okay. How did you come to see Dr. 14 Haider? 15 A. One of my friends told me about him, that 16 he would prescribe them for me. 17 Q. Okay. Who was your friend who told you 18 that? 19 A. Azalene Chamblee. 20 Q. I'm sorry? 21 A. Her name is Azalene Chamblee. 22 Q. You might need to spell that for the 23 court reporter. 24 A. Oh, Lord, I can't spell it. 25 Q. All right. Well, let's say it one more</p>

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<p>1 time.</p> <p>2 A. Azalene Chamblee.</p> <p>3 Q. Chamblee?</p> <p>4 A. Uh-huh. S-h-a-m-i-l-y. I think that's</p> <p>5 right.</p> <p>6 Q. Where does she live?</p> <p>7 A. In Macon.</p> <p>8 Q. Had she also gone to see Dr. Haider?</p> <p>9 A. Yes.</p> <p>10 Q. And had also received a diet drug</p> <p>11 prescription?</p> <p>12 A. Yes.</p> <p>13 Q. And what do you remember about your visit</p> <p>14 with Dr. Haider?</p> <p>15 A. Nothing really.</p> <p>16 Q. You don't remember anything about it?</p> <p>17 A. No.</p> <p>18 Q. Do you remember what he looks like?</p> <p>19 A. Yes, I remember what he looks like.</p> <p>20 Q. Describe him.</p> <p>21 A. He's a foreigner. I know that. That's</p> <p>22 all I know.</p> <p>23 Q. Describe him for me.</p> <p>24 A. I can't describe him.</p> <p>25 Q. Short? Tall?</p>	Page 38	<p>1 Q. You just remember you didn't like him?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. When you went to see Dr. Haider in</p> <p>4 1998, do you remember what your weight was at that</p> <p>5 time?</p> <p>6 A. No.</p> <p>7 Q. According to the records that we obtained</p> <p>8 from Dr. Conner you saw him for the first time in</p> <p>9 February -- on February 13 of 1992, and you</p> <p>10 continued to see him on a periodic basis until April</p> <p>11 27, of 1995. So approximately three years, from '92</p> <p>12 to '95, are the medical records that we have. Does</p> <p>13 that square with your recollection, Ms. Stallings,</p> <p>14 as to when you saw Dr. Conner?</p> <p>15 A. Dr. Conner?</p> <p>16 Q. Yes.</p> <p>17 A. '92 to '95? I believe. I'm not certain.</p> <p>18 I'm not certain of that.</p> <p>19 Q. Well, does that sound about right?</p> <p>20 A. It sounds about right but I'm not certain</p> <p>21 it is.</p> <p>22 Q. Sure. Well, let's put it another way.</p> <p>23 1995 was nine years ago.</p> <p>24 A. Uh-huh.</p> <p>25 Q. Do you remember seeing Dr. Conner --</p>	Page 40
<p>1 A. He's tall and dark hair and....</p> <p>2 Q. When you say --</p> <p>3 A. I don't know how to describe his skin</p> <p>4 color, but he's....</p> <p>5 Q. When you say foreigner, does he appear to</p> <p>6 be from the Middle East or from India or where did</p> <p>7 you judge he was from?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. But he wasn't American. You're</p> <p>10 sure of that?</p> <p>11 A. No, he's not American.</p> <p>12 Q. And you don't recall specifically any</p> <p>13 discussion that you had with Dr. Haider or that he</p> <p>14 had with you?</p> <p>15 A. No.</p> <p>16 Q. Why didn't you go back to see him except</p> <p>17 for that one time?</p> <p>18 A. I didn't really like him. I just didn't</p> <p>19 go back to him.</p> <p>20 Q. What about him didn't you like?</p> <p>21 A. Attitude.</p> <p>22 Q. Can you be more specific? What about his</p> <p>23 attitude?</p> <p>24 A. I don't remember. I just know I didn't</p> <p>25 like him.</p>	<p>1 A. I do remember --</p> <p>2 Q. -- within the last nine years?</p> <p>3 A. I do remember seeing him.</p> <p>4 Q. I know you remember seeing him, but I'm</p> <p>5 saying do you remember seeing him any more recently</p> <p>6 than about nine years ago?</p> <p>7 A. Oh, no.</p> <p>8 Q. It's been a long time since you've seen</p> <p>9 him?</p> <p>10 A. Yes.</p> <p>11 Q. Sitting here today you can't specifically</p> <p>12 recall seeing Dr. Conner after 1995, can you?</p> <p>13 A. No, not specifically.</p> <p>14 MR. WIENER: Let me go ahead and make</p> <p>15 these records that we've obtained an exhibit to the</p> <p>16 deposition. And, Brandon, I have for my own</p> <p>17 purposes highlighted these. So we may want to just</p> <p>18 go ahead and put in an unhighlighted --</p> <p>19 MR. DORSEY: That's fine.</p> <p>20 MR. WIENER: -- copy. But for now we'll</p> <p>21 just mark this as the next exhibit.</p> <p>22 (EXHIBIT NO. 3 MARKED.)</p> <p>23 MR. WIENER:</p> <p>24 Q. All right. Thank you.</p> <p>25 MR. WIENER: Brandon, did you get a</p>	Page 39	Page 41

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<p>1 chance to look at those?</p> <p>2 MR. DORSEY: I did.</p> <p>3 MR. WIENER: Okay. Thanks.</p> <p>4 MR. WIENER:</p> <p>5 Q. Ms. Stallings, Dr. Douglas Conner</p> <p>6 according to these records is with a clinic or</p> <p>7 facility known as Starkville Health. Is that what</p> <p>8 you recall?</p> <p>9 A. Uh-huh.</p> <p>10 Q. How did you come to see Dr. Conner back</p> <p>11 in 1992?</p> <p>12 A. Fat lady syndrome again. A friend of</p> <p>13 mine told me about him. We had --</p> <p>14 Q. What syndrome was that? I missed that.</p> <p>15 A. Fat lady syndrome.</p> <p>16 Q. Oh, my goodness.</p> <p>17 THE VIDEOGRAPHER: Could you keep your</p> <p>18 mike on, please, sir.</p> <p>19 MR. WIENER: Oh, I'm sorry. Did you --</p> <p>20 did you get all that?</p> <p>21 THE VIDEOGRAPHER: Yes, sir.</p> <p>22 MR. WIENER:</p> <p>23 Q. Ms. Stallings, a friend of yours who also</p> <p>24 was working on her weight problem told you --</p> <p>25 A. Yes.</p>	<p>Page 42</p> <p>1 A. Okay.</p> <p>2 Q. What do you recall about your first visit</p> <p>3 with Dr. Conner?</p> <p>4 A. Not much.</p> <p>5 Q. Okay. I'm sure you spoke with him for</p> <p>6 some period of time.</p> <p>7 A. Yes.</p> <p>8 Q. He came into the examining room --</p> <p>9 A. Yes.</p> <p>10 Q. -- and the two of you had some</p> <p>11 communication. Do you remember any of that?</p> <p>12 A. I just -- I think I just told him I</p> <p>13 needed -- I came to see if I can get some diet</p> <p>14 pills. A friend had told me about them. And he</p> <p>15 just weighed me and basically checked my blood</p> <p>16 pressure and that's it.</p> <p>17 Q. All right.</p> <p>18 A. That's all I can....</p> <p>19 Q. All right. So you remember he performed</p> <p>20 some brief physical examination that might have</p> <p>21 included taking your blood pressure?</p> <p>22 A. Uh-huh.</p> <p>23 Q. All right. And had you ever before been</p> <p>24 on any type of weight loss medication before seeing</p> <p>25 Dr. Conner in 1992?</p>
<p>1 Q. -- recommended you to Dr. Conner?</p> <p>2 A. Yes.</p> <p>3 Q. And so your friend was seeing Dr. Conner</p> <p>4 for weight loss problems?</p> <p>5 A. Yes.</p> <p>6 Q. And he had given her weight loss</p> <p>7 medication?</p> <p>8 A. Yes.</p> <p>9 Q. All right. And according to this record</p> <p>10 of your first visit on February 13, 1992, you</p> <p>11 presented to him at that time with a height of five</p> <p>12 foot five and a half inches and weight of 210</p> <p>13 pounds. And, apparently, you indicated to him that</p> <p>14 your normal weight was 165.</p> <p>15 A. Uh-huh.</p> <p>16 Q. Does that square with your recollection</p> <p>17 of your first visit with Dr. Conner?</p> <p>18 A. Well, I don't know if I indicated to him</p> <p>19 that my weight was 165. I don't think I indicated</p> <p>20 that because I've never been that little.</p> <p>21 Q. Okay. Well, that's fine. I'm looking at</p> <p>22 the record itself and you may have a different</p> <p>23 recollection of how that visit went. And if so,</p> <p>24 that's what I want you to tell me, but that's what</p> <p>25 his record shows.</p>	<p>Page 43</p> <p>1 A. No, not before.</p> <p>2 Q. All right. So just to be absolutely</p> <p>3 clear, you had never before had a prescription for</p> <p>4 any type of diet drug or weight loss medication</p> <p>5 before Dr. Conner gave you a prescription in 1992?</p> <p>6 A. No.</p> <p>7 Q. All right. And you had never taken any</p> <p>8 sort of over the counter weight loss or diet</p> <p>9 medication?</p> <p>10 A. No, not in '92.</p> <p>11 Q. All right. Now according to the record</p> <p>12 of your first visit with Dr. Conner he prescribed</p> <p>13 the medication Fastin, F-a-s-t-i-n.</p> <p>14 A. Uh-huh.</p> <p>15 Q. Do you remember that?</p> <p>16 A. Yes.</p> <p>17 Q. All right. And did you understand from</p> <p>18 your visit with Dr. Conner that that was a type of</p> <p>19 diet or weight loss medication?</p> <p>20 A. Yes.</p> <p>21 Q. All right. What do you recall</p> <p>22 Dr. Conner specifically telling you about that</p> <p>23 medication?</p> <p>24 A. I don't remember him telling me anything</p> <p>25 about that -- anything about the medication.</p>

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<p>1 Q. Okay. Well, let me throw some subjects 2 out there and ask you if you recall any discussion 3 with Dr. Conner about any of these subjects. Did he 4 tell you how long you would have to take the 5 medication Fastin before you could expect to see 6 some results?</p> <p>7 A. No.</p> <p>8 Q. You don't remember that?</p> <p>9 A. No. He didn't say that.</p> <p>10 Q. Did he discuss with you any of the 11 possible side effects that Fastin might have?</p> <p>12 A. No.</p> <p>13 Q. Okay. Are you telling me he didn't have 14 that discussion with you or that you don't remember 15 having that discussion?</p> <p>16 A. Well, I know he didn't have -- he didn't 17 say that. He didn't say anything.</p> <p>18 Q. Okay. So you're sure in your own mind 19 that Dr. Conner did not review potential side 20 effects from taking Fastin?</p> <p>21 A. I'm positive about it.</p> <p>22 Q. All right. You're positive about that.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Did you obtain any sort of literature, 25 pamphlets, package inserts when you got the Fastin</p>	<p>Page 46</p> <p>1 A. Uh-huh.</p> <p>2 Q. Well, I apologize. There's a second 3 sheet here where someone has written at the top 4 Dr. Douglas Conner's medical files, Brenda M. 5 Stallings. And then your name Brenda Cunningham is 6 under that. I guess what I'm driving at there, 7 Ms. Stallings, had you been a patient of Dr. Conner 8 before 1992?</p> <p>9 A. Huh-uh.</p> <p>10 Q. So the time that you went to see him in 11 1992 and received that prescription of Fastin, 12 that's the first time that you ever saw Dr. Conner 13 for anything?</p> <p>14 A. Right.</p> <p>15 Q. Okay. All right. Now, his records --</p> <p>16 MR. DORSEY: Excuse me. Mr. Wiener, just 17 for purposes of clarification since you've made this 18 -- I think this may be a handwritten notation from 19 maybe a staff person here at our office which 20 basically identifies this document as medical files 21 from Dr. Conner on Brenda Stallings.</p> <p>22 MR. WIENER: Okay. Good. Thanks. I 23 appreciate that.</p> <p>24 MR. DORSEY: I don't think that was 25 something that was written by Dr. Conner's office.</p>
<p>1 that told you about the side effects?</p> <p>2 A. From him?</p> <p>3 Q. No. Well, let's -- I assume that you 4 filled the prescription at a pharmacy.</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that right?</p> <p>7 A. Yes.</p> <p>8 Q. When you went to the pharmacy, did you 9 receive any written information telling you about 10 Fastin and what the side effects might be?</p> <p>11 A. I remember it shows nausea, jittery. I 12 remember that.</p> <p>13 Q. Okay.</p> <p>14 A. I do remember that much, but I don't know 15 what all it said, but --</p> <p>16 Q. I understand.</p> <p>17 A. -- I do remember that much about it.</p> <p>18 Q. But you received some sort of information 19 sheet when you got the prescription that listed some 20 side effects, and you remember nausea and jittery as 21 being two of them. Is that right?</p> <p>22 A. Yes, I remember that.</p> <p>23 Q. Okay. And per Dr. Conner's records when 24 you first saw him in February of 1992 your name was 25 Brenda Cunningham.</p>	<p>Page 47</p> <p>1 I think this was something handwritten by a staff 2 person.</p> <p>3 MR. WIENER: Okay. Good. Thank you for 4 making that clarification.</p> <p>5 (OFF THE RECORD.)</p> <p>6 MR. WIENER:</p> <p>7 Q. Ms. Stallings, looking at the notes of 8 your first visit with Dr. Conner he notes that he's 9 prescribing you Fastin, and it looks like 30 I guess 10 that's milligrams for 30 days. He also has written 11 on here what -- it seems to say 1,200 calories per 12 day. Do you recall discussing with Dr. Conner that 13 in order to achieve weight loss that you needed to 14 limit your caloric intake to 1,200 calories a day?</p> <p>15 A. I don't remember it.</p> <p>16 Q. Okay.</p> <p>17 A. I don't remember.</p> <p>18 Q. You're not denying that the discussion 19 that place?</p> <p>20 A. I'm not denying it.</p> <p>21 Q. But sitting here today you can't remember 22 it?</p> <p>23 A. I can't remember it.</p> <p>24 Q. All right. There's also a note on here 25 that you were to exercise at home. Do you remember</p>

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<p>1 talking about that with Dr. Conner?</p> <p>2 A. No, I don't.</p> <p>3 Q. Okay. Do you recall whether you had any</p> <p>4 discussion with Dr. Conner, generally speaking,</p> <p>5 about being overweight and the potential health</p> <p>6 risks that are associated with being overweight?</p> <p>7 A. No.</p> <p>8 Q. Now, in looking at your records with</p> <p>9 Dr. Conner, the next time you were in to see him</p> <p>10 according to this chart -- and Brandon's got it in</p> <p>11 front of him. So if you need to look at it you're</p> <p>12 certainly welcome to. Or Brandon can point out if</p> <p>13 I'm not -- if I'm not reading anything correctly.</p> <p>14 But it looks as though you were back to see</p> <p>15 Dr. Conner on March 12, 1993, which is more than a</p> <p>16 year after your first visit; that is, if we do have</p> <p>17 the complete records. Do you recall there being a</p> <p>18 gap of a year between your first and second visits</p> <p>19 with Dr. Conner?</p> <p>20 A. Huh-uh. I don't think it was that far --</p> <p>21 Q. Okay.</p> <p>22 A. -- apart.</p> <p>23 Q. All right. You feel like after you</p> <p>24 started to see him in 1992 that you saw him on a</p> <p>25 frequent basis?</p>	Page 50	<p>1 MR. WIENER: Yes. Well, we'll</p> <p>2 double-check on that, Brandon, and get back in touch</p> <p>3 if we think that we need to go over anything else if</p> <p>4 we've missed anything.</p> <p>5 MR. WIENER:</p> <p>6 Q. But, Ms. Stallings, your memory today is</p> <p>7 that you saw Dr. Conner at least two times in the</p> <p>8 year 1992?</p> <p>9 A. Yes.</p> <p>10 Q. All right. It may have been more?</p> <p>11 A. No.</p> <p>12 Q. You think it was twice?</p> <p>13 A. I think it was twice.</p> <p>14 Q. Okay. And we don't -- since we don't</p> <p>15 have a clear record of the second visit, is there</p> <p>16 something that you recall specifically about the</p> <p>17 second visit that you had with him in '92?</p> <p>18 A. I said I really believe I saw him twice</p> <p>19 because he told me in '92 that he didn't want to</p> <p>20 give me those pills but twice a year. I remember</p> <p>21 him saying something about only twice a year. I</p> <p>22 remember that.</p> <p>23 Q. All right. And that was referring to the</p> <p>24 Fastin?</p> <p>25 A. Yes. I do remember that.</p>	Page 52
<p>1 A. I remember it being like, oh, gosh, twice</p> <p>2 in '92.</p> <p>3 Q. Okay. Well, it's possible that his</p> <p>4 office didn't give us the complete records or that</p> <p>5 in putting them together my office didn't put them</p> <p>6 altogether, but that's -- I don't have anything</p> <p>7 between February 12 of '92 and March 12 of '93.</p> <p>8 MR. WIENER: Let me just ask, Brandon, or</p> <p>9 any of the other attorneys on the line, does anybody</p> <p>10 have records that I may be missing between '92 and '93?</p> <p>11 MR. DORSEY: All I have is there's a</p> <p>12 notation for 1993. I guess this is February 13 or</p> <p>13 12 of '92, and then there is another notation March</p> <p>14 12 of '93. Then there's a notation for April of '93.</p> <p>15 MR. WIENER: Yes. Well, that's what I've</p> <p>16 got. So you don't have anything in between?</p> <p>17 MR. DORSEY: No, sir, I don't.</p> <p>18 MR. WIENER: Do any of the other</p> <p>19 attorneys on the line have any records?</p> <p>20 MR. MANSFIELD: No, I do not. Now, I do</p> <p>21 note that on the page there is some writing, you</p> <p>22 know, at the top --</p> <p>23 MR. WIENER: Correct.</p> <p>24 MR. MANSFIELD: -- and it makes me</p> <p>25 question.</p>	Page 51	<p>1 Q. All right. Well, looking at the notes</p> <p>2 from the March 12, 1993, visit he noted that your</p> <p>3 weight was 195 which was described as a weight loss</p> <p>4 of 15 pounds. Now, further up on that page as Ken</p> <p>5 Mansfield observed there's a note that says 210</p> <p>6 before something. But 210 is the same weight that</p> <p>7 you had -- that had been determined in your first</p> <p>8 visit with him in 1992. In any event, Ms. Stallings,</p> <p>9 there's a notation there that at 195 you had had</p> <p>10 weight loss of 15 pounds. Do you see that?</p> <p>11 A. Uh-huh.</p> <p>12 Q. So do you recall that from the time of</p> <p>13 your initial visit with Dr. Conner through about one</p> <p>14 year later that you had lost some weight?</p> <p>15 A. Uh-huh.</p> <p>16 Q. You do remember that?</p> <p>17 A. Yes.</p> <p>18 Q. Now, on that note for March 12, 1993, at</p> <p>19 the bottom it says -- I think what it says is walk</p> <p>20 three to four miles. And I'm not sure what the last</p> <p>21 word might signify. But it seems pretty clear that --</p> <p>22 MR. WIENER: Go ahead.</p> <p>23 MR. DORSEY: I'm trying to find -- where</p> <p>24 are you?</p> <p>25 MR. WIENER: On the note for 3/12/93.</p>	Page 53

<p>1 MR. DORSEY: Okay.</p> <p>2 MR. WIENER:</p> <p>3 Q. It seems pretty clear that Dr. Conner had</p> <p>4 some discussion with you and made some note about</p> <p>5 you being on a walking program. Do you -- do you</p> <p>6 recall that?</p> <p>7 A. I don't recall him telling me to walk</p> <p>8 because at the time I was going to him I was in an</p> <p>9 exercise class. So that's how I found out. You</p> <p>10 know, we had an exercise class. I don't remember</p> <p>11 him telling me to walk. I don't remember it. I'll</p> <p>12 put it that way. Maybe he did but I don't remember</p> <p>13 him telling me that.</p> <p>14 Q. And you don't recall being on a walking</p> <p>15 program --</p> <p>16 A. No.</p> <p>17 Q. -- at that time? You mentioned that you</p> <p>18 were in an exercise class.</p> <p>19 A. Yes.</p> <p>20 Q. What class were you in?</p> <p>21 A. It was a bunch of us just got together at</p> <p>22 the place where I worked at, Mayfair, at the time.</p> <p>23 We used the recreation center every evening and did</p> <p>24 an exercise -- an hour exercise class.</p> <p>25 Q. So this was a room -- a recreation room</p>	<p>Page 54</p> <p>1 Q. How often did you have the class?</p> <p>2 A. Every evening.</p> <p>3 Q. Every evening?</p> <p>4 A. Uh-huh. Well, Monday through Friday.</p> <p>5 I'm sorry.</p> <p>6 Q. So every evening Monday to Friday. And</p> <p>7 how long did the class go for?</p> <p>8 A. One hour.</p> <p>9 Q. And was it one hour of aerobics?</p> <p>10 A. Uh-huh.</p> <p>11 Q. And you did that for two years?</p> <p>12 A. Uh-huh, two years.</p> <p>13 Q. What years were you in the class?</p> <p>14 A. Oh, God, I knew you was going to come</p> <p>15 back to the years. It was in '92 -- '92 and '93.</p> <p>16 Q. So it was at the same time that you were</p> <p>17 seeing Dr. Conner?</p> <p>18 A. Yes. Right.</p> <p>19 Q. Do you think that you told Dr. Conner</p> <p>20 that you were in this exercise program?</p> <p>21 A. Yes.</p> <p>22 Q. You feel like you did?</p> <p>23 A. Yes, I feel like I did.</p> <p>24 Q. During that time were you doing anything</p> <p>25 in terms of diet to try to curb or control your</p>
<p>1 at the place where you worked, the Mayfair</p> <p>2 Apartments?</p> <p>3 A. Yes.</p> <p>4 Q. And did they have equipment in this room?</p> <p>5 A. No.</p> <p>6 Q. Just a big open room?</p> <p>7 A. Just aerobics.</p> <p>8 Q. I see. So did someone lead the class?</p> <p>9 A. Yes, it was some ladies that led it.</p> <p>10 Q. Did you -- was this just you a voluntary</p> <p>11 thing or did you all pay money to do this?</p> <p>12 A. It was voluntary.</p> <p>13 Q. Just a group of ladies getting together?</p> <p>14 A. Just trying to help one another out,</p> <p>15 yes.</p> <p>16 Q. Okay. And so are you telling me that one</p> <p>17 or two of the ladies that knew more about aerobics</p> <p>18 led the class?</p> <p>19 A. Yes.</p> <p>20 Q. All right. You weren't one of the</p> <p>21 leaders?</p> <p>22 A. Huh-uh. No, sir.</p> <p>23 Q. And how long did you attend that exercise</p> <p>24 class?</p> <p>25 A. We had that class for about two years.</p>	<p>Page 55</p> <p>1 intake -- caloric intake?</p> <p>2 A. We was trying all kind of different</p> <p>3 stuff. Soups and stuff. Different things.</p> <p>4 Three-day diets. Stuff like that.</p> <p>5 Q. So you would say that during this time</p> <p>6 period of '92, '93 while you were seeing Dr. Conner</p> <p>7 and taking the medication Fastin you were also in a</p> <p>8 regular exercise program that you've described and</p> <p>9 you were also making some effort of different diets,</p> <p>10 food modification?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Now, if we look on to your visit</p> <p>13 with Dr. Conner April 26, 1993, there's a note that</p> <p>14 says weight, 194. And then it says stopped</p> <p>15 exercising. Restart. Do you recall telling</p> <p>16 Dr. Conner that you had stopped exercising and he</p> <p>17 had encouraged you to get back on the program? You</p> <p>18 don't remember?</p> <p>19 A. I don't remember that.</p> <p>20 Q. Okay. And, of course, in that note it</p> <p>21 continues to show Fastin medication being prescribed</p> <p>22 to you.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Do you see that?</p> <p>25 A. Yes.</p>

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<p>1 Q. All right. And then your next visit per 2 this record is July 12, 1993, at which time your 3 weight was 195. There's a note "too fat." And I 4 don't know if that's what you told Dr. Conner and he 5 wrote it down. Do you recall that?</p> <p>6 A. No, I didn't tell him that.</p> <p>7 Q. You didn't tell him that?</p> <p>8 A. It looks like some private insults.</p> <p>9 Q. And the note there with the arrow going 10 upwards is the way medical people say increase. So 11 increase your exercise, decrease your calories. Do 12 you see that?</p> <p>13 A. Uh-huh.</p> <p>14 Q. And then there's a note which I think is 15 referring to the medication Adipex.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Do you remember Dr. Conner switching you 18 to a different type of medication in mid-1993?</p> <p>19 A. Yes.</p> <p>20 Q. Do you remember the name of that 21 medication being Adipex?</p> <p>22 A. Yes.</p> <p>23 Q. And was it another kind of weight loss 24 medication?</p> <p>25 A. Yes.</p>	<p>Page 58</p> <p>1 you from Fastin to Adipex had nothing to do with any 2 side effects or problems that you were having on 3 Fastin?</p> <p>4 A. No, not at that time.</p> <p>5 Q. Now, on this note the No. 30 is circled 6 which I believe, Ms. Stallings, refers to your 7 getting a 30-day supply of Adipex. Is that -- is 8 that what you recall?</p> <p>9 A. Yes.</p> <p>10 Q. All right. And back in the time '92, '93 11 that you were receiving these prescriptions from 12 Dr. Conner, where -- what pharmacy were you using to 13 fill those prescriptions?</p> <p>14 A. I'm not certain, but I'm thinking it was 15 Food Max, the pharmacy at Food Max.</p> <p>16 Q. Okay. So Food Max is a grocery store --</p> <p>17 A. Yes.</p> <p>18 Q. -- in Macon?</p> <p>19 A. No. That's in Starkville.</p> <p>20 Q. I see. In Starkville. And they had a 21 pharmacy located within the grocery store?</p> <p>22 A. Right. Uh-huh.</p> <p>23 Q. All right. According to this note, 24 Ms. Stallings, the next time you were in to see 25 Dr. Conner was December 31 of 1993. So you went to</p>
<p>Page 59</p> <p>1 Q. Do you know what type of medication it 2 was? In other words, was it the same -- did you 3 understand from Dr. Conner that it was the same kind 4 of medication as Fastin only just a different brand?</p> <p>5 A. Huh-uh. No, I didn't have a clue about 6 that.</p> <p>7 Q. Okay. So he didn't explain that to you?</p> <p>8 A. No.</p> <p>9 Q. Did he tell you why he was switching your 10 medication?</p> <p>11 A. He just said we were going to try 12 something else -- I remember that -- and see if it 13 worked better --</p> <p>14 Q. All right.</p> <p>15 A. -- because the other one had stopped 16 working.</p> <p>17 Q. All right. So to your knowledge the 18 reason for switching to Adipex from Fastin was 19 because the Fastin was not getting the results that 20 you wanted?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Were you having any problems with 23 the Fastin in terms of side effects?</p> <p>24 A. No, not at that time.</p> <p>25 Q. All right. So the reason for switching</p>	<p>Page 61</p> <p>1 see him on New Years Eve of 1993.</p> <p>2 A. Okay.</p> <p>3 Q. Do you recall -- well, first, let me ask 4 you: Do you think that you had any visits with him 5 between July and December?</p> <p>6 A. Huh-uh.</p> <p>7 Q. All right.</p> <p>8 A. I don't think so.</p> <p>9 Q. So there was a gap of almost six months 10 in your going back to see Dr. Conner?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know why that occurred?</p> <p>13 A. I can't recall.</p> <p>14 Q. Okay. If he had given you a 30-day 15 supply of Adipex in July of '93, then that would 16 have run out sometime in August -- mid August of 17 '93.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Do you recall that you were off of diet 20 drugs from August until December or were you -- did 21 you obtain a prescription from some other source?</p> <p>22 A. I didn't -- I don't recall taking it 23 anywhere else.</p> <p>24 Q. So to the best of your knowledge were you 25 off of the Adipex from the time that that</p>

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<p style="text-align: right;">Page 62</p> <p>1 prescription ran out in mid August of 1993 until you 2 went back to see Dr. Conner at the end of '93? 3 A. Yes. I believe I was off. 4 Q. Did you -- had you made a decision during 5 that time that you were going to just stay off the 6 medication for a couple of months? 7 A. I don't remember why I got off them. 8 Q. But you do remember being off them for a 9 short period of time? 10 A. Yes, I do remember being off of them. 11 Q. But you don't remember what led you to do 12 that? 13 A. No. 14 Q. Do you recall Dr. Conner telling you on 15 the July 12, 1993, visit that he was -- that this 16 was going to be the last prescription that he gave 17 you? 18 A. No. 19 Q. You don't remember that? 20 A. I don't remember. 21 Q. I'm just trying to explore the reason. 22 So I'm not suggesting that that happened. I'm just 23 asking. 24 A. Okay. 25 Q. All right. You don't recall any</p>	<p style="text-align: right;">Page 64</p> <p>1 about potential side effects of the Adipex? 2 A. No. 3 Q. All right. And when you went to the 4 pharmacy and got the prescription filled, do you 5 recall getting an information sheet that listed 6 possible side effects? 7 A. Just the one about the jittery, you know, 8 being nervous and nauseated. 9 Q. Okay. 10 A. That sheet. I remember that. 11 Q. Well, you had told me about that sheet 12 when we were talking about your Fastin 13 prescription. 14 A. Uh-huh. 15 Q. Do you recall that with Adipex you got a 16 similar sheet that listed similar types of side 17 effects? 18 A. Well, let me make sure I give you the 19 right answer now. I don't want to.... I've never 20 got anything that told me specifically what this 21 medicine can do to me. I never saw anything like 22 that. It was just basic stuff. You might be 23 nervous and nauseated. I remember that. I don't 24 know was it on both of them or just one of them. 25 Q. Okay.</p>
<p style="text-align: right;">Page 63</p> <p>1 discussion like that? 2 A. I don't recall any. 3 Q. But you recall Dr. Conner making some 4 comment to you at least when he gave you the Fastin 5 that he could only give you that medication twice a 6 year? 7 A. I remember that. And I think that was 8 like the first two times that I went to him. If I'm 9 not wrong, I think that was the first two times. 10 Q. When he gave you the Fastin he gave you 11 30-day supplies. Right? 12 A. Uh-huh. 13 Q. So you understood from Dr. Conner that 14 you could only be on that medicine for up to 60 days 15 in a year's time? 16 A. Yes. That's what I was getting from 17 him. 18 Q. All right. And what about with the 19 Adipex? Did he give you any different information 20 about how much or how long you could take Adipex? 21 A. I don't remember any information on that 22 one. 23 Q. Okay. And let me ask you similar 24 questions about the Adipex that I asked you about 25 the Fastin. Did Dr. Conner give you any information</p>	<p style="text-align: right;">Page 65</p> <p>1 A. But I do remember seeing that. But I 2 know I didn't see anything that said it was going to 3 tear up your heart valves. I didn't see nothing 4 like that. 5 Q. All right. When you went to see 6 Dr. Conner on December 31, 1993, he noted that your 7 weight was 219 pounds. Do you see that? 8 A. Uh-huh. 9 Q. So your previous visit you had been down 10 to 195, and that's what your weight had been for 11 several months. And then when you go back to him at 12 the end of '93 your weight has climbed back up to 13 219. Do you see that? 14 A. Uh-huh. 15 Q. And do you have any reason to dispute or 16 disagree with what Dr. Conner's note shows your 17 weight was on that occasion? 18 A. Huh-uh. No. 19 Q. All right. So as far as you know that's 20 accurate information? 21 A. Yes. 22 Q. And at the December 31, 1993, visit 23 there's a note again to increase exercise and a note 24 that he's prescribing you Adipex for a 30-day supply 25 once again. Do you see that?</p>

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<p>1 A. Yes.</p> <p>2 Q. Now, this has been a couple of times that</p> <p>3 there's been a note about your increasing your</p> <p>4 exercise or getting back on your exercise program.</p> <p>5 Do you recall any discussion that you had with</p> <p>6 Dr. Conner at any time about the subject of exercise</p> <p>7 and what you ought to be doing?</p> <p>8 A. He could have. I just don't remember.</p> <p>9 Q. That's fine. That's all you can do is</p> <p>10 tell as best you remember. And if you don't, then</p> <p>11 just tell us you don't remember.</p> <p>12 The next note from Dr. Conner shows that</p> <p>13 you were back to see him 7/29/94. So now this is a</p> <p>14 little more than six months later.</p> <p>15 A. Uh-huh.</p> <p>16 Q. And do you recall that there was again a</p> <p>17 gap of some six months before you were back in to</p> <p>18 see him?</p> <p>19 A. Uh-huh.</p> <p>20 Q. Do you recall why it was that you didn't</p> <p>21 see Dr. Conner for that period of time?</p> <p>22 A. Well, I think the pills had stopped</p> <p>23 working.</p> <p>24 Q. Okay.</p> <p>25 A. They weren't doing anything. And the</p>	<p>Page 66</p> <p>1 A. Yes.</p> <p>2 Q. Am I hearing you right on that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And then when you went back to see</p> <p>5 Dr. Conner on July 29, 1994, I think his note is</p> <p>6 indicating that your weight at that time was up to</p> <p>7 228 1/2. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall that when you went back to</p> <p>10 see him on July 29, 1994, that your weight had</p> <p>11 increased since the last visit you had had with him?</p> <p>12 A. Uh-huh.</p> <p>13 Q. All right. And here on this note again</p> <p>14 he's again showing prescribing you the Adipex for 30</p> <p>15 days.</p> <p>16 A. Right.</p> <p>17 Q. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And did you take the Adipex for 30 days</p> <p>20 starting on July 29, 1994?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. All right. And then we come to</p> <p>23 what appears to be the last visit that you had with</p> <p>24 Dr. Conner which is April 27 of 1995. So that would</p> <p>25 have been -- let's see. I think that's nine months</p>
<p>Page 67</p> <p>1 minute you stop taking them you just go right back</p> <p>2 anyway. And I just saw myself kept increasing. So</p> <p>3 I went back and try -- well, six months passed. I</p> <p>4 guess I'll go try it again. So I went and tried it</p> <p>5 again.</p> <p>6 Q. Given that he had prescribed 30 days of</p> <p>7 Adipex to you on December 31, 1993, do you think</p> <p>8 that you took that prescription until it was -- you</p> <p>9 had exhausted it?</p> <p>10 A. Uh-huh. Yes.</p> <p>11 Q. And then you would have been off any type</p> <p>12 of medication from approximately February 1 of '93</p> <p>13 until you go back to see Dr. Conner on July 29,</p> <p>14 1994?</p> <p>15 A. Yes.</p> <p>16 Q. So, again, you have several months where</p> <p>17 you're off of the medication?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that right?</p> <p>20 A. Yes.</p> <p>21 Q. And if I'm hearing you correctly, that</p> <p>22 was your decision. In other words, you were -- you</p> <p>23 thought that the medication wasn't working and,</p> <p>24 therefore, you didn't go back to the doctor for a</p> <p>25 while.</p>	<p>Page 69</p> <p>1 later. And let me ask you, Ms. Stallings, similar</p> <p>2 to what I asked you before, if Dr. Conner gave you</p> <p>3 Adipex for 30 days on July 29, 1994, and you took</p> <p>4 that for 30 days, you would have been off of the</p> <p>5 medication from approximately September 1 of '94</p> <p>6 until you came back to see Dr. Conner on April 27,</p> <p>7 1995. Is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And that's some six or seven months again</p> <p>10 that you were off of any type of weight loss</p> <p>11 medication?</p> <p>12 A. Yes.</p> <p>13 Q. All right. In other words, during these</p> <p>14 -- during these periods that we've discussed of</p> <p>15 several months when you were not going back to see</p> <p>16 Dr. Conner, you weren't going to anyone else to get</p> <p>17 weight loss medication, were you?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay.</p> <p>20 A. No, I was gaining too much to be going</p> <p>21 somewhere else.</p> <p>22 Q. All right. I'm just trying to establish</p> <p>23 that during this time period Dr. Conner was the only</p> <p>24 medical provider that you went to with regard to</p> <p>25 weight loss.</p>

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<p>1 A. Yes.</p> <p>2 Q. And on his note of the visit that you had 3 with him April 27, 1995, he recorded your weight at 4 that time -- or I guess his nurse did, but the note 5 is made that your weight at that time was 235 pounds. 6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Now, at the very bottom there are two 9 medications listed. One is Fastin, 30 -- and I 10 apologize. I don't know if that's grams but that 11 seems to be the dosage. And then it's -- the number 12 30 is circled which I think indicates a 30-day 13 supply. So, again, Dr. Conner put you back on 14 Fastin in April of 1995. Is that right?</p> <p>15 A. Right.</p> <p>16 Q. Do you recall any discussion that you had 17 with him at that time about the medication that you 18 had been taking? In other words --</p> <p>19 A. No.</p> <p>20 Q. -- you had been on -- he had given you 21 Adipex the last several times you had seen him. Do 22 you recall talking with him about the Adipex and 23 whether it was working or wasn't working?</p> <p>24 A. I believe at that time I told him that 25 that one really ain't doing anything.</p>	<p>Page 70</p> <p>1 Q. All right. Well, just to help you along, 2 Ms. Stallings, I may be -- I may be wrong about 3 this. So, I mean, I'm just asking you the question 4 and you follow along with me. Hydrochlorothiazide 5 is a blood pressure medication. Have you ever 6 received medication from Dr. Conner or from any 7 physician that was in treatment of high blood 8 pressure?</p> <p>9 A. That would be the only one. Other than 10 that, I haven't.</p> <p>11 Q. All right. Well, I'll look at -- there 12 are notes of you receiving hydrochlorothiazide from 13 other physicians. And I'll go over those with you. 14 But let's just confine ourselves to this April 27, 15 1995, visit with Dr. Conner. Do you remember any 16 discussion with him to the effect that he was 17 prescribing an additional medication to you?</p> <p>18 A. No.</p> <p>19 Q. Do you remember any discussion with him 20 about any sort of blood pressure or cardiovascular 21 difficulty that you were having?</p> <p>22 A. No.</p> <p>23 Q. All right. I'm going to now refer to the 24 records of Dr. Edmond C. Henson in Mobile, Alabama.</p> <p>25 THE VIDEOGRAPHER: Pardon me just a</p>
<p>1 Q. Okay.</p> <p>2 A. In fact, yes, that's the one that really 3 didn't work. The Adipex.</p> <p>4 Q. All right. So having been on Fastin 5 initially and then you're on Adipex, when you got to 6 Dr. Conner in April of 1995 looking back on how 7 things had gone you had drawn the conclusion that 8 Adipex was not as effective as Fastin?</p> <p>9 A. Yes.</p> <p>10 Q. Is that right?</p> <p>11 A. Right.</p> <p>12 Q. So Adipex was the drug that really wasn't 13 doing anything?</p> <p>14 A. Right.</p> <p>15 Q. All right. And do you think that's why 16 Dr. Conner put you back on the Fastin?</p> <p>17 A. I'm assuming, yes.</p> <p>18 Q. Okay. Now, there's another medication 19 that is noted which is -- the abbreviation is HCTZ. 20 Do you know what that is?</p> <p>21 A. Huh-uh. I don't remember that one.</p> <p>22 Q. I think that it's hydrochlorothiazide. 23 Do you remember ever being on a medication called 24 hydrochlorothiazide?</p> <p>25 A. I don't remember it.</p>	<p>Page 71</p> <p>1 Q. Okay.</p> <p>2 A. In fact, yes, that's the one that really 3 didn't work. The Adipex.</p> <p>4 Q. All right. So having been on Fastin 5 initially and then you're on Adipex, when you got to 6 Dr. Conner in April of 1995 looking back on how 7 things had gone you had drawn the conclusion that 8 Adipex was not as effective as Fastin?</p> <p>9 A. Yes.</p> <p>10 Q. Is that right?</p> <p>11 A. Right.</p> <p>12 Q. So Adipex was the drug that really wasn't 13 doing anything?</p> <p>14 A. Right.</p> <p>15 Q. All right. And do you think that's why 16 Dr. Conner put you back on the Fastin?</p> <p>17 A. I'm assuming, yes.</p> <p>18 Q. Okay. Now, there's another medication 19 that is noted which is -- the abbreviation is HCTZ. 20 Do you know what that is?</p> <p>21 A. Huh-uh. I don't remember that one.</p> <p>22 Q. I think that it's hydrochlorothiazide. 23 Do you remember ever being on a medication called 24 hydrochlorothiazide?</p> <p>25 A. I don't remember it.</p> <p>Page 73</p> <p>1 second.</p> <p>2 (OFF THE RECORD.)</p> <p>3 MR. WIENER: Let me suggest this to 4 counsel. We're back on the record at about five 5 minutes to twelve. I'm not going to ask 6 Ms. Stallings any questions about the Dr. Henson 7 records until you all tell me that you've gotten the 8 faxes from Brandon's office. And let me cover some 9 other things and maybe go until about 12:10, 12:15 10 and we'll break for lunch. Does that suit everybody 11 here?</p> <p>12 MR. DORSEY: That's fine.</p> <p>13 MR. WIENER: Is that good with the folks 14 on the line?</p> <p>15 MR. MANSFIELD: Sure, that will be fine.</p> <p>16 MR. WIENER:</p> <p>17 Q. Ms. Stallings, let's just go back for a 18 moment to the medications that Dr. Conner prescribed 19 for you. And I want to ask you, did you have any 20 sort of problems that you associated with taking 21 either Fastin or Adipex; in other words, did you 22 have any type of side effects or symptoms of any 23 type that you believed or even wondered might have 24 been caused by either of those medications?</p> <p>25 A. When you ask me that, now, are you saying</p>

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<p>1 right after this or now?</p> <p>2 Q. I'm saying at the time.</p> <p>3 A. At that time?</p> <p>4 Q. Yes. And then I'll bring it forward.</p> <p>5 But from 1992 through 1995, which is the dates that</p> <p>6 we've gone over that you were seeing Dr. Conner and</p> <p>7 during that time he was prescribing Fastin and then</p> <p>8 Adipex and then back to Fastin, during that period</p> <p>9 of time did you have any sort of symptoms or</p> <p>10 problems or complaints that you believed may have</p> <p>11 been caused by either of those medications?</p> <p>12 A. My sex drive was kind of low during then,</p> <p>13 but I didn't have a clue what was going on. I</p> <p>14 didn't have a clue.</p> <p>15 Q. Okay.</p> <p>16 A. And I began the shortness of breath, but</p> <p>17 I didn't associate it with the medicine. I thought</p> <p>18 maybe it was the weight gain. So I can't really say</p> <p>19 for definite was that the cause of it, but I didn't</p> <p>20 have a clue what was doing it.</p> <p>21 Q. All right. So you're telling me that you</p> <p>22 remember back in that time period having decreased</p> <p>23 sexual drive?</p> <p>24 A. Uh-huh.</p> <p>25 Q. And some shortness of breath?</p>	Page 74	Page 76
<p>1 A. Uh-huh.</p> <p>2 Q. Now, did you mention either of those</p> <p>3 problems to Dr. Conner when you went to see him?</p> <p>4 A. Huh-uh. No. This was like in '95 when</p> <p>5 all of these little changes started taking place.</p> <p>6 So it didn't actually happen while I was going</p> <p>7 through this. So that's why I couldn't associate it</p> <p>8 with the medicine because it didn't actually happen</p> <p>9 while I was taking the medicine. So I didn't have a</p> <p>10 clue.</p> <p>11 Q. Okay. Well, as we -- go ahead. I'm</p> <p>12 sorry.</p> <p>13 A. I didn't have a clue what was causing it.</p> <p>14 Q. Well, as we noted before, the last record</p> <p>15 we have of your seeing Dr. Conner is April 27, 1995.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Are you telling me that the problems that</p> <p>18 you've described with loss of sex drive and with</p> <p>19 shortness of breath started to occur after your last</p> <p>20 visit with Dr. Conner?</p> <p>21 A. I didn't say directly after, but I was no</p> <p>22 longer seeing him when all of this stuff transpired.</p> <p>23 Q. Okay. So the first time that you noted</p> <p>24 decreased sexual drive or shortness of breath was</p> <p>25 some period of time after your last visit with</p>	<p>1 Q. And how long did those symptoms last?</p> <p>2 Let's talk about shortness of breath.</p> <p>3 A. Oh, Lord.</p> <p>4 Q. You feel sure that it was sometime in</p> <p>5 1995 that you started to experience shortness of</p> <p>6 breath. Correct?</p> <p>7 A. Uh-huh. Well, that never stopped because</p> <p>8 it's worsened actually like now. It's worse. But</p> <p>9 the sex drive thing, it's like -- it's not like it</p> <p>10 used to be, but I can't -- I don't know. I can't</p> <p>11 associate that with the medicine. I don't know</p> <p>12 what's going on with that.</p> <p>13 Q. Okay. On the shortness of breath, are</p> <p>14 you telling me that you've had shortness of breath</p> <p>15 ever since 1995?</p> <p>16 A. Yes, some. '95 was just a little bit.</p> <p>17 Q. Okay.</p> <p>18 A. Now it's ridiculous.</p> <p>19 Q. Now you have what you consider to be a</p> <p>20 significant problem with shortness of breath?</p> <p>21 A. Yes. Uh-huh.</p> <p>22 Q. All right. Tell me at the current time</p> <p>23 how often do you experience episodes of shortness of</p> <p>24 breath?</p> <p>25 A. Currently?</p>	Page 77

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<p>1 Q. Yes.</p> <p>2 A. Well, like from here to that restroom I</p> <p>3 was like out of breath then. I have to really sit</p> <p>4 down and get my air in. And during the day when I</p> <p>5 work I have to space out my customers. I used to</p> <p>6 could do 20 -- 15 to 20 heads a day. No problem. I</p> <p>7 worked 12 and 13 hours up until 2 o'clock in the</p> <p>8 morning. Then I had to cut that down and just cut</p> <p>9 my hours from I just go in at nine and get out by</p> <p>10 5:30 at the most because I just be so tired and</p> <p>11 stuff.</p> <p>12 Q. When did you reduce your schedule as</p> <p>13 you've just described it?</p> <p>14 A. Oh, that's been about two years now that</p> <p>15 I had to cut back.</p> <p>16 Q. As a hairstylist are you on your feet for</p> <p>17 just about the entire working day?</p> <p>18 A. Yes. Well, I had to put the time in</p> <p>19 where I have to stop it and just rest a minute, you</p> <p>20 know, and give myself 15 breaks in between and just</p> <p>21 start back.</p> <p>22 Q. What do you typically do during those</p> <p>23 rest periods?</p> <p>24 A. Just sit down for a minute and then start</p> <p>25 back.</p>	<p>Page 78</p> <p>1 started sometime in 1995 and has gotten</p> <p>2 progressively worse with you since that time?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Is that right?</p> <p>5 A. Uh-huh.</p> <p>6 Q. That's a yes?</p> <p>7 A. Yes.</p> <p>8 Q. All right. That's fine. But you have</p> <p>9 not -- you have not gone to any physician or clinic</p> <p>10 or health provider to get treatment for this</p> <p>11 condition?</p> <p>12 A. No.</p> <p>13 Q. And you haven't taken any medication for</p> <p>14 it?</p> <p>15 A. No.</p> <p>16 Q. How does the shortness of breath -- well,</p> <p>17 when you have an episode of shortness of breath, how</p> <p>18 long does it typically last?</p> <p>19 A. I have never really just timed it. I</p> <p>20 just get my air in and go on. I didn't never time it.</p> <p>21 Q. And the sensation, describe it for me.</p> <p>22 When you are short of breath -- I know you've</p> <p>23 already told me to some extent, but I want to be</p> <p>24 sure how it affects you when it happens.</p> <p>25 A. I don't know how to explain it.</p>
<p>1 Q. Is there anything in particular that</p> <p>2 seems to trigger the shortness of breath?</p> <p>3 A. I can just be sitting here and I get this</p> <p>4 rapid -- like a heartbeat. And you might notice me</p> <p>5 throwing my head back. I have to do that to gasp</p> <p>6 for air. So I don't know.</p> <p>7 Q. All right. So this is something that can</p> <p>8 happen even when you're sitting?</p> <p>9 A. Yes.</p> <p>10 Q. Does it -- do you get episodes of</p> <p>11 shortness of breath at night while you're sleeping?</p> <p>12 A. Yes.</p> <p>13 Q. That is correct?</p> <p>14 A. Yes.</p> <p>15 Q. And then also while you're working you</p> <p>16 get episodes of shortness of breath?</p> <p>17 A. Yes.</p> <p>18 Q. So what I'm hearing from you is that you</p> <p>19 can become short of breath almost at any time</p> <p>20 regardless of what you're doing?</p> <p>21 A. Yes.</p> <p>22 Q. Have you sought medical treatment for</p> <p>23 your shortness of breath?</p> <p>24 A. No. No.</p> <p>25 Q. And as I'm hearing you tell it, this</p>	<p>Page 79</p> <p>1 Q. Well, you said that you have a feeling</p> <p>2 almost of a rapid --</p> <p>3 A. It's just a tiredness. Like a tiredness</p> <p>4 that comes over me. Like I said, when my heart</p> <p>5 beats real fast I just have to gasp for air. Just</p> <p>6 -- it's like I'm choking. So I have to do this to</p> <p>7 get the air back in (indicating). I do it a lot.</p> <p>8 Q. Do you get dizzy when that happens?</p> <p>9 A. If I'm standing.</p> <p>10 Q. If you're standing?</p> <p>11 A. If I'm standing.</p> <p>12 Q. Well, once you sit down you're not dizzy?</p> <p>13 A. I'm not dizzy when I sit down.</p> <p>14 Q. Do you break out in a sweat when this</p> <p>15 happens?</p> <p>16 A. I don't sweat.</p> <p>17 Q. Do you feel a sensation anywhere in your</p> <p>18 body? Do you feel a tingling or a numbness anywhere</p> <p>19 or tightness in your chest or anything like that?</p> <p>20 A. Huh-uh.</p> <p>21 Q. No?</p> <p>22 A. No.</p> <p>23 Q. And how long does the episode last when</p> <p>24 you become short of breath? I mean....</p> <p>25 A. It's really not a long time. It's just a</p>

<p>1 matter of me getting air in. So I can't say it even 2 lasts a minute.</p> <p>3 Q. And in a typical workday that you have 4 now, how often do you experience the shortness of 5 breath?</p> <p>6 A. Maybe three to four times daily -- a day 7 or something.</p> <p>8 Q. And -- okay. In your own mind do you 9 relate the shortness of breath to any particular 10 cause?</p> <p>11 A. Like I said, I was thinking it was 12 basically about the weight until I found out and 13 read the history of what this medicine does. I'm 14 like maybe that's what caused it. But basically I 15 was putting it on the weight. I was saying it was 16 the weight. I didn't have a clue.</p> <p>17 Q. When was it that you saw any type of 18 literature or advertisement that brought it to your 19 attention that weight loss medication may be causing 20 you any medical problems?</p> <p>21 A. This was in '99. I think it was '99 or 22 early 2000 when I got some information on it --</p> <p>23 Q. What did you get?</p> <p>24 A. -- with these pills. Oh, gosh, I still 25 got those papers. Just a bunch of papers of what --</p>	<p>Page 82</p> <p>1 lawsuit?</p> <p>2 A. Right. Uh-huh.</p> <p>3 Q. And do you recall specifically what was 4 in the package that made you think that your 5 shortness of breath was related to taking weight 6 loss medication?</p> <p>7 A. Not specifics. I know what -- the thing 8 dealing with the heart and how I've been feeling. 9 This stuff is like -- the way my heart is beating 10 and stuff it just had to be connected to it. So 11 that's after we had filed. I can't really explain 12 it. I'm going to sound all crazy trying to explain 13 it. I don't know how to explain it.</p> <p>14 Q. Well, I'll try to help you with it. 15 You're doing fine answering my questions.</p> <p>16 MR. WIENER: I think this may be as good 17 a time as any to take a break because I'm going to 18 get back into Dr. Henson's records when we pick back 19 up.</p> <p>20 MR. DORSEY: I do have confirmations that 21 everybody should have received it by now. Has 22 everybody received their fax?</p> <p>23 MS. LIND: I've received mine. This is 24 Kaara.</p> <p>25 MR. MANSFIELD: I have not, but it's</p>
<p>Page 83</p> <p>1 the kind of thing that these pills cause.</p> <p>2 Q. Do you remember who -- where you got the 3 information from?</p> <p>4 A. From the courthouse. From the 5 courthouse. It was in the lawsuit thing.</p> <p>6 Q. Okay.</p> <p>7 A. And I got that from there and read it. 8 And I said this is what's causing all this. But I 9 had no clue, you know, that it was....</p> <p>10 Q. All right. So you received some sort of 11 package from a court?</p> <p>12 A. No. I went there to get it.</p> <p>13 Q. You got it. What court did you go to?</p> <p>14 A. Noxubee Court -- Noxubee County 15 Courthouse.</p> <p>16 Q. And the clerk gave you some documents?</p> <p>17 A. Uh-huh. It was my file. It was some 18 information out of my file.</p> <p>19 Q. Okay. So you had a case on file already?</p> <p>20 A. Uh-huh.</p> <p>21 Q. And you went to the office -- to the 22 clerk's office and got some papers out of that court 23 file?</p> <p>24 A. Right.</p> <p>25 Q. All right. But you had already filed a</p>	<p>Page 85</p> <p>1 probably down there with all of the other faxes. So 2 I'll have it by the time we get back.</p> <p>3 MR. DORSEY: Molly, do you have yours?</p> <p>4 MS. WALKER: I haven't gotten mine yet, 5 but the runners just probably haven't brought it to 6 me.</p> <p>7 (RECESS TAKEN.)</p> <p>8 MR. WIENER:</p> <p>9 Q. Ms. Stallings, we're ready to continue 10 with your deposition. Before lunch you were telling 11 me about two problems that you've had that included 12 shortness of breath, which you've described to me as 13 starting sometime in 1995 and it stayed with you 14 right to the present time. And then the other was 15 decreased sexual drive. And if I remember your 16 testimony from before lunch, you have not gone to 17 seek medical treatment for either of those 18 conditions. Is that right?</p> <p>19 A. Right.</p> <p>20 Q. Okay. And did I also understand you to 21 say that during the time that you were taking Fastin 22 and Adipex under Dr. Conner's direction that during 23 that time you did not suffer -- or you were not 24 experiencing any side effects or problems that you 25 associated with using either Adipex or Fastin. Is</p>

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<p>1 that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. And you never made mention of any</p> <p>4 problems or side effects to Dr. Conner, did you?</p> <p>5 A. No.</p> <p>6 Q. You know, I told you before that the drug</p> <p>7 hydrochlorothiazide is a blood pressure medication.</p> <p>8 A. Uh-huh.</p> <p>9 Q. And I have looked at some information</p> <p>10 about that drug and I think that that is correct,</p> <p>11 that it is prescribed in treatment of blood pressure</p> <p>12 problems. But it also is known to be a diuretic,</p> <p>13 something that will clear the body of wastes. Do</p> <p>14 you recall having any discussion with Dr. Conner</p> <p>15 about hydrochlorothiazide being prescribed to you as</p> <p>16 a diuretic? Does that ring a bell?</p> <p>17 A. No.</p> <p>18 Q. Let's take a look at the records with</p> <p>19 Dr. Henson. It's my understanding that Brandon has</p> <p>20 faxed copies that I'm going to be using here today</p> <p>21 to all counsel who are participating?</p> <p>22 MR. WIENER: Did I make Dr. Conner's</p> <p>23 records an exhibit? I meant to if I didn't.</p> <p>24 MR. DORSEY: I don't think you did.</p> <p>25 MR. WIENER: I want to go ahead and make</p>	<p>Page 86</p> <p>1 that your last visit with Dr. Conner in Starkville</p> <p>2 was April 27, 1995.</p> <p>3 A. Uh-huh.</p> <p>4 Q. Did you see any physician between 1995</p> <p>5 with Dr. Conner and 1999 with Dr. Henson, other than</p> <p>6 you've already told me in 1998 you saw this</p> <p>7 Dr. Hadene Haider one time?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Okay. So other than that Dr. Haider, did</p> <p>10 you see any other physician or health provider for</p> <p>11 treatment of weight loss between 1995 and 1999?</p> <p>12 A. No, sir.</p> <p>13 Q. All right. And other than the medication</p> <p>14 that Dr. Conner had given to you -- had prescribed</p> <p>15 for you and the medication that Dr. Haider</p> <p>16 prescribed for you in 1998, did you take any sort of</p> <p>17 weight loss medication other than what those two</p> <p>18 physicians prescribed to you?</p> <p>19 A. No.</p> <p>20 Q. Okay. How did you come to see Dr. Henson</p> <p>21 in February of 1999 given that he's in Mobile which</p> <p>22 is a considerable distance from Macon, Mississippi?</p> <p>23 A. One of my clients told me about him.</p> <p>24 Q. One of your clients. Your hairstyling</p> <p>25 clients?</p>
<p>1 those a record before we -- as an exhibit before we</p> <p>2 go forward on Dr. Henson's records. So now we just</p> <p>3 need to find them. Let's just go off record for</p> <p>4 just a second and see what became of those.</p> <p>5 (OFF THE RECORD.)</p> <p>6 MR. WIENER: We did make Dr. Conner's</p> <p>7 records Exhibit 3 to the deposition. At this time</p> <p>8 I'm going to hand Brandon Dorsey, plaintiff's</p> <p>9 counsel, a set of the records that we've obtained on</p> <p>10 Dr. Edmond Henson. And, Brandon, if you'll look</p> <p>11 those over, please.</p> <p>12 MR. DORSEY: Okay.</p> <p>13 MR. WIENER: All right. Let me get these</p> <p>14 marked as the next exhibit, please.</p> <p>15 (EXHIBIT NO. 4 MARKED.)</p> <p>16 MR. WIENER: Thank you.</p> <p>17 MR. WIENER:</p> <p>18 Q. Ms. Stallings, I'm now looking at the</p> <p>19 records that Dr. Edmond C. Henson with the Mobile</p> <p>20 Fitness & Weight Center, 812 Downtown Boulevard,</p> <p>21 Mobile, Alabama, produced in response to our request</p> <p>22 for these records. It indicates that you first saw</p> <p>23 Dr. Henson on February 8, 1999. Do you recall that?</p> <p>24 A. Yes.</p> <p>25 Q. All right. Now, I think we established</p>	<p>Page 87</p> <p>1 A. Uh-huh.</p> <p>2 Q. And do you remember who it was that told</p> <p>3 you?</p> <p>4 A. Linda Herman.</p> <p>5 Q. All right. And what did Ms. Herman share</p> <p>6 with you was her experience with Dr. Henson?</p> <p>7 A. She just told me about the diet pills</p> <p>8 that he have that help you lose the weight, the</p> <p>9 phentermines. And I told her I had taken them</p> <p>10 before but the doctors around there didn't want to</p> <p>11 prescribe them. So I went over there to get them.</p> <p>12 Q. Okay. Now, when you say that the doctors</p> <p>13 around there didn't want to prescribe them, what</p> <p>14 were you talking about?</p> <p>15 A. Well, I -- we just talk a lot. And other</p> <p>16 people were saying that the doctors in Macon didn't</p> <p>17 want to give out those pills anymore for diet pills</p> <p>18 -- for diet they didn't want to give them.</p> <p>19 Q. That was just kind of common knowledge in</p> <p>20 the town?</p> <p>21 A. Yes.</p> <p>22 Q. You're not telling me that you had an</p> <p>23 experience of going to a doctor and asking for a</p> <p>24 prescription and being refused or turned away, are</p> <p>25 you?</p>

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<p>1 A. Huh-uh. No.</p> <p>2 Q. That never happened to you?</p> <p>3 A. No.</p> <p>4 Q. Okay. Now, did you call to make an</p> <p>5 appointment with Dr. Henson or do you --</p> <p>6 A. I called.</p> <p>7 Q. And how did you get down to Mobile to see</p> <p>8 him?</p> <p>9 A. I drove.</p> <p>10 Q. All right. On your own?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Nobody went with you?</p> <p>13 A. Yes. Mary Sanders went with me.</p> <p>14 Q. All right. And I believe her name has</p> <p>15 come up before.</p> <p>16 A. Uh-huh.</p> <p>17 Q. Remind me who she is.</p> <p>18 A. She worked with me at the other salon</p> <p>19 that I worked at.</p> <p>20 Q. And was Ms. Sanders just along for the</p> <p>21 ride or was she also going to see Dr. Henson?</p> <p>22 A. She saw him also.</p> <p>23 Q. All right. So both of you saw him the</p> <p>24 same day?</p> <p>25 A. Uh-huh.</p>	<p>Page 90</p> <p>1 Q. Okay. So you told -- you remember</p> <p>2 telling him that you had been on weight loss</p> <p>3 medication in the past but that it had been a while?</p> <p>4 A. Uh-huh.</p> <p>5 Q. And did you tell him that your previous</p> <p>6 prescriptions had not worked particularly well?</p> <p>7 A. No, I didn't tell him that.</p> <p>8 Q. Okay. I thought you had told him</p> <p>9 something that you had been on this medication</p> <p>10 before.</p> <p>11 A. I had tried it before and it did work.</p> <p>12 Q. Oh, and it did work.</p> <p>13 A. Yes.</p> <p>14 Q. I see. Okay. And you were referring</p> <p>15 back to '92 to '95 when you were under Dr. Conner's</p> <p>16 care?</p> <p>17 A. I don't know what I was referring back</p> <p>18 to. I just mentioned it.</p> <p>19 Q. But when you saw Dr. Henson in '99 you</p> <p>20 told him I've been on weight loss medication before</p> <p>21 and it has worked for me?</p> <p>22 A. Uh-huh.</p> <p>23 Q. And that was referring to?</p> <p>24 A. What I had taken.</p> <p>25 Q. What you had taken under Dr. Conner's</p>
<p>1 Q. Did he meet with you separately?</p> <p>2 A. Separately, yes, sir.</p> <p>3 Q. What do you remember about your visit</p> <p>4 with him?</p> <p>5 A. Getting weighed and blood pressure</p> <p>6 checked. That's it. He gave me a B-12 shot. One</p> <p>7 of the nurses gave me a B-12. And that's basically</p> <p>8 it. I talked with him. I met with him. And he --</p> <p>9 I can't remember exactly what he asked. He might</p> <p>10 have asked a few questions and he gave me a</p> <p>11 prescription.</p> <p>12 Q. I do want you to tell me as best you</p> <p>13 recall anything that was said between you and</p> <p>14 Dr. Henson. Anything you told him and anything he</p> <p>15 told you that you can remember today.</p> <p>16 A. I just remember telling him I need to</p> <p>17 lose some weight. You know, I had tried pills</p> <p>18 before and they worked at times, but it was a long</p> <p>19 time since I took them. And he -- I can't be</p> <p>20 specific so I better stop before I go too far with it.</p> <p>21 Q. Well, that's fine. Even if you can't</p> <p>22 remember the exact words if you remember the thrust</p> <p>23 of what he told you, the main points, go ahead and</p> <p>24 tell me that.</p> <p>25 A. Well, he didn't give me no main points.</p>	<p>Page 91</p> <p>1 supervision?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. All right. In looking at</p> <p>4 Dr. Henson's record of your first visit, he noted</p> <p>5 that your weight at that time was 250. So that</p> <p>6 would have been towards the high side of what you've</p> <p>7 had over the years, isn't it?</p> <p>8 A. Uh-huh. Yes.</p> <p>9 Q. Do you recall that when you saw</p> <p>10 Dr. Conner for the first time in '92 your weight was</p> <p>11 noted to be about 211?</p> <p>12 A. 210.</p> <p>13 Q. Yes. So when you first saw Dr. Henson</p> <p>14 your weight was 250. Do you know what -- what's the</p> <p>15 maximum amount that you've ever weighed? What's the</p> <p>16 highest weight?</p> <p>17 A. Oh, God, you had to ask that.</p> <p>18 Q. Well, I'm afraid that's the business</p> <p>19 we're in in a case like this.</p> <p>20 A. I think the maximum was about 256.</p> <p>21 Q. Okay.</p> <p>22 A. That was before I -- I'll say before --</p> <p>23 256.</p> <p>24 Q. And when was that that you reached that</p> <p>25 highest weight?</p>

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<p>1 A. I don't remember.</p> <p>2 Q. Was it before you went to see Dr. Henson</p> <p>3 before '99 or since that time?</p> <p>4 A. It was before I went to see him.</p> <p>5 Q. Okay. All right. Well, let's take a</p> <p>6 look at his records. He indicated on here as a</p> <p>7 diagnosis exogenous obesity. Have you ever heard</p> <p>8 that expression before?</p> <p>9 A. No.</p> <p>10 Q. All right. Do you recall having any</p> <p>11 discussion with Dr. Henson about obesity?</p> <p>12 A. No.</p> <p>13 Q. All right. Did you have any sort of</p> <p>14 discussion with him where he talked with you about</p> <p>15 the health risks that are presented when a person is</p> <p>16 obese?</p> <p>17 A. No.</p> <p>18 Q. You understand what the term "obesity"</p> <p>19 means?</p> <p>20 A. Just being overweight. Not really.</p> <p>21 Q. All right. If you had to take a stab at</p> <p>22 it you would say obesity means being overweight?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Okay. That's a yes?</p> <p>25 A. Yes.</p>	<p>Page 94</p> <p>1 Q. Okay.</p> <p>2 A. Except one. One of them was round with</p> <p>3 blue dots.</p> <p>4 Q. All right. Well, I guess what I'm asking</p> <p>5 you is do you recall whether the medicine that</p> <p>6 Dr. Henson gave you looked to be the same thing as</p> <p>7 you had had before?</p> <p>8 A. No.</p> <p>9 Q. All right. You think it was something</p> <p>10 different that he gave you?</p> <p>11 A. I guess.</p> <p>12 Q. You're really not sure?</p> <p>13 A. I'm not sure.</p> <p>14 Q. Okay. And then he also prescribed for</p> <p>15 you that day KCL 10 mg, 30 doses. Do you know what</p> <p>16 that was for, KCL?</p> <p>17 A. Was that a pill?</p> <p>18 Q. I think it was.</p> <p>19 A. It was something called quats (phonetic)</p> <p>20 chloride. I don't know what that is or what it was</p> <p>21 for, but every time I got pills from him I got</p> <p>22 that. I don't know what that was for.</p> <p>23 Q. Now, my notes -- I've got some</p> <p>24 information that this KCL was for potassium, to</p> <p>25 maintain --</p>
<p>1 Q. All right. But sitting here today you</p> <p>2 don't recall a particular discussion with Dr. Henson</p> <p>3 about the subject of obesity and whether it's</p> <p>4 important to control it or anything like that?</p> <p>5 A. No.</p> <p>6 Q. Okay. There's an indication on his</p> <p>7 records that he prescribed for you phentermine HCL</p> <p>8 30 milligrams for 21 days on that first visit. Do</p> <p>9 you remember him giving you a prescription for</p> <p>10 phentermine?</p> <p>11 A. Yes.</p> <p>12 Q. And do you know what brand of phentermine</p> <p>13 that you took?</p> <p>14 A. Huh-uh. I don't know nothing about</p> <p>15 brands.</p> <p>16 Q. All right. Do you remember what the</p> <p>17 pills looked like that he gave you on that occasion?</p> <p>18 A. I'm thinking those were the ones that --</p> <p>19 with the blue side and a clear side that had little</p> <p>20 beads like in it in the inside of it I'm thinking.</p> <p>21 Q. Was it similar or the same as either of</p> <p>22 the two medicines that Dr. Conner had prescribed for</p> <p>23 you?</p> <p>24 A. Huh-uh. I don't remember what those</p> <p>25 looked like I took from Dr. Conner.</p>	<p>Page 95</p> <p>1 A. Potassium?</p> <p>2 Q. -- your potassium level.</p> <p>3 A. Okay.</p> <p>4 Q. Is that what you remember?</p> <p>5 A. That's what I got every time. So I guess</p> <p>6 that's what it was for.</p> <p>7 Q. Okay. Do you remember any discussion</p> <p>8 with Dr. Henson as to why he was prescribing both</p> <p>9 phentermine and KCL? Do you remember him telling</p> <p>10 you about that?</p> <p>11 A. No.</p> <p>12 Q. Okay. And then it also shows Vitamin</p> <p>13 B-12, 1,000 MCG. Is that the shot that they gave</p> <p>14 you in the office?</p> <p>15 A. Yes.</p> <p>16 Q. All right. Ms. Stallings, the next visit</p> <p>17 that you had with Dr. Henson was March 8 of 1999.</p> <p>18 So exactly one month later. So did you again drive</p> <p>19 down to Mobile to see him?</p> <p>20 A. Yes, I did.</p> <p>21 Q. About how long a drive do you recall it</p> <p>22 being from Macon to Mobile?</p> <p>23 A. I think about three hours, three and a</p> <p>24 half hours.</p> <p>25 Q. And the indications on the March 8, 1999,</p>

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<p>1 visit are almost the same as the first visit. Your 2 weight was determined to be 249. So that was one 3 pound less than the previous visit. And it looks 4 like again he diagnosed you with exogenous obesity 5 and prescribed phentermine HCL for 21 days along 6 with the KCL 10 mg and the vitamin B-12 1,000. Does 7 that square with your recollection that the second 8 visit with Dr. Henson was --</p> <p>9 A. Yes.</p> <p>10 Q. -- almost identical to the first visit?</p> <p>11 A. Yes.</p> <p>12 Q. Did he give you a shot on the second 13 occasion?</p> <p>14 A. Uh-huh. Yes.</p> <p>15 Q. Okay. Did he or the nurse or whoever 16 gave you the shot explain to you why they were 17 giving you a Vitamin B-12 shot?</p> <p>18 A. No.</p> <p>19 Q. You knew you were getting one?</p> <p>20 A. Yes.</p> <p>21 Q. All right. Then the next visit with 22 Dr. Henson is about a month later, April 6, 1999. 23 Your weight was found to be 248. So that was one 24 pound less than previously. And there's a note here 25 where the phentermine prescription is crossed out</p>	<p>Page 98</p> <p>1 a month?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And during that month did you 4 run out of medicine?</p> <p>5 A. Yes.</p> <p>6 Q. All right. So you were off of the 7 medicine for a month?</p> <p>8 A. Uh-huh.</p> <p>9 Q. All right. In looking at the note of 10 your June 7, 1999, visit, he recorded a weight of 11 260 pounds. So I know you told me earlier you 12 thought probably the highest you ever got was about 13 255 or 256. I take it you wouldn't dispute that 14 Dr. Henson's office weighed you in at 260 that day?</p> <p>15 A. No, I won't dispute it.</p> <p>16 Q. But that would be -- you would think that 17 would be probably as much as you've -- as you've 18 weighed during your lifetime?</p> <p>19 A. I didn't say during my lifetime. I don't 20 know. I better say I don't know because my weight 21 -- I don't know. I don't know. I'll just leave it 22 at that.</p> <p>23 Q. And here again on the -- on the 24 indication of the medications the same as before, 25 the phentermine is crossed out and the Adipex 37.5</p>
<p>Page 99</p> <p>1 and someone wrote in hand Adipex instead of 2 phentermine. So I guess my question to you is, do 3 you remember that when you went back to Dr. Henson 4 the third time that he switched your medication from 5 the phentermine HCL to Adipex?</p> <p>6 A. Huh-uh.</p> <p>7 Q. You don't remember that?</p> <p>8 A. I don't remember that. I thought all of 9 those was phentermine.</p> <p>10 Q. You're not disputing or denying that your 11 medicine was changed on April 6, 1999, are you?</p> <p>12 A. No. I'm not going to dispute or deny it, 13 but I don't remember.</p> <p>14 Q. You don't remember it. Okay. You do see 15 the note on the chart, don't you?</p> <p>16 A. Yes, I see it.</p> <p>17 Q. All right. And then your next visit 18 would be June 7, 1999, which means that you -- it 19 looks like you had not been back to see him in May 20 and then you were back two months later. Do you 21 recall whether you were supposed to go back to 22 Dr. Henson on a monthly basis and that you missed 23 going to see him in May of '99?</p> <p>24 A. Yes, I missed it.</p> <p>25 Q. Okay. You were supposed to see him once</p>	<p>Page 101</p> <p>1 milligrams times 21 days is indicated on there. Do 2 you see that?</p> <p>3 A. Uh-huh.</p> <p>4 Q. All right. So to the best of your 5 knowledge did you take whatever Dr. Henson 6 prescribed for you on that occasion?</p> <p>7 A. Is this twice he crossed out the 8 phentermine?</p> <p>9 Q. Well, it could have been. You know, I 10 don't know. It could have been that it was crossed 11 out the first time and it just stayed that way on 12 the chart, but I don't think so because if you look 13 at the April 6 and the June 7, those markings are 14 different. So, I mean, it looks -- it looks to me 15 like it was done on two different occasions. Do you 16 have some doubts that he gave you Adipex?</p> <p>17 A. I just remember phentermines.</p> <p>18 Q. Okay. So looking at this today it 19 surprises you to see Adipex on there?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And then the next visit with 24 Dr. Henson that I've got in these records is on June 25 18 of 2001 which would be about two years past your</p>

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<p>1 previous visit. Do you see that, Ms. Stallings?</p> <p>2 You were there to see him per these records on June</p> <p>3 7, 1999, and then the next visit is June of 2001.</p> <p>4 A. Uh-huh.</p> <p>5 Q. All right. Do you recall there being</p> <p>6 about a two-year period --</p> <p>7 A. Yes.</p> <p>8 Q. -- between those visits with Dr. Henson?</p> <p>9 A. Yes.</p> <p>10 Q. Tell me why it is that you stopped going</p> <p>11 back to him after your June 1999 visit.</p> <p>12 A. I got tired of driving that far, and I</p> <p>13 wasn't really doing anything at one pound. So I got</p> <p>14 tired. Then I felt like the weight was steady going</p> <p>15 up so I need to try again.</p> <p>16 Q. So is that why you went back to</p> <p>17 Dr. Henson in 2001?</p> <p>18 A. Yes.</p> <p>19 Q. I understand that the drive to Mobile,</p> <p>20 you know, three hours down and back that that was</p> <p>21 certainly a burden on you. Other than that were you</p> <p>22 satisfied with Dr. Henson's care, other than he was</p> <p>23 a long way away?</p> <p>24 A. Yes.</p> <p>25 Q. And you had confidence and trust in him?</p>	Page 102	<p>1 A. Right.</p> <p>2 Q. And would that be indicated by the fact</p> <p>3 that you -- they took your weight at 260 pounds on</p> <p>4 that June 7, '99 visit, that last one that you had</p> <p>5 with him before you stopped going to him for two</p> <p>6 years?</p> <p>7 A. What was that question again? I missed</p> <p>8 that.</p> <p>9 Q. Well, you know, you started seeing him in</p> <p>10 February of 1999, and you saw him every month except</p> <p>11 in May. And then in June after being under his care</p> <p>12 for about five months your weight was still at 260.</p> <p>13 So was that -- did that make you feel like the</p> <p>14 medicine he was prescribing was not effective?</p> <p>15 A. Right. Yes.</p> <p>16 Q. Okay. All right. Looking at the June</p> <p>17 18, 2001, visit, your weight was recorded to be 233</p> <p>18 at that time. And let me be sure about this,</p> <p>19 Ms. Stallings. Did you see any other physician or</p> <p>20 health provider in between June of '99 and June of</p> <p>21 2001?</p> <p>22 A. I don't remember seeing anyone else.</p> <p>23 Q. Okay.</p> <p>24 A. I think that was during the period when I</p> <p>25 was on different diets, trying different diets.</p>	Page 104
<p>1 A. Yes, pretty much.</p> <p>2 Q. Did Dr. Henson at any time talk with you</p> <p>3 about the need to be on an exercise program?</p> <p>4 A. He did tell me you need to get some</p> <p>5 walking in.</p> <p>6 Q. Okay.</p> <p>7 A. Try to get some walking in.</p> <p>8 Q. And did you do that?</p> <p>9 A. Yes.</p> <p>10 Q. What sort of program were you on when you</p> <p>11 were seeing him back in 1999?</p> <p>12 A. It wasn't a program. I would just get up</p> <p>13 and walk two miles every morning and do two in the</p> <p>14 evening. That was it.</p> <p>15 Q. So you were walking two miles in the</p> <p>16 morning and two miles in the evening?</p> <p>17 A. Yes.</p> <p>18 Q. And taking the medications that he</p> <p>19 prescribed?</p> <p>20 A. Right.</p> <p>21 Q. All right. I think you told me that the</p> <p>22 reason you stopped going to him in addition to the</p> <p>23 fact that he was so far away was that you really</p> <p>24 didn't feel like the medication he was prescribing</p> <p>25 was doing you very much good. Is that right?</p>	Page 103	<p>1 Q. So you were trying to lose weight through</p> <p>2 dieting?</p> <p>3 A. Through different diets.</p> <p>4 Q. During the two years in between your</p> <p>5 visit with Dr. Henson did you maintain your walking</p> <p>6 routine?</p> <p>7 A. That was on and off too.</p> <p>8 Q. Okay. So some days you would walk and</p> <p>9 some days you wouldn't?</p> <p>10 A. Uh-huh. And some months I would and some</p> <p>11 months I wouldn't.</p> <p>12 Q. So you were irregular with your exercise</p> <p>13 program?</p> <p>14 A. Yes.</p> <p>15 Q. And then if I'm hearing you correctly you</p> <p>16 went back to Dr. Henson in 2001 because you were</p> <p>17 still heavier than you wanted to be, and you thought</p> <p>18 you would take another shot at going back to</p> <p>19 Dr. Henson. Am I putting that fairly?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And what do you recall about your</p> <p>22 visit with Dr. Henson June 18, 2001? It had been</p> <p>23 two years since you had seen him. What do you</p> <p>24 remember was the discussion when he came in and saw</p> <p>25 you?</p>	Page 105

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<p>1 A. I don't remember. 2 Q. You don't recall? 3 A. No. 4 Q. Okay. That's okay. In looking at the 5 notes that he had made, again he diagnosed you with 6 exogenous obesity. And the prescription indication 7 is phentermine HCL 30 mg, 21 days. Do you see that? 8 A. Uh-huh. 9 Q. And the KCL which we discussed before is 10 a medication, you know, to regulate potassium 11 levels. I think that's right, Ms. Stallings. 12 That's what my information says. 13 A. Right. 14 Q. And then Vitamin B-12, 1,000 MCG. Did 15 they again give you a shot in the office? 16 A. Yes. 17 Q. And then under No. 5 it says diet 18 instructions given. Do you see that? 19 A. Yes. 20 Q. All right. Do you recall specifically 21 what diet instructions were given to you when you 22 saw Dr. Henson on June of 2001? 23 A. No, I don't remember anything. 24 Q. And -- 25 A. He might have said start back walking or</p>	<p>Page 106</p> <p>1 shows that you were on Adipex. During that time in 2 1999 did you suffer any sort of problems or symptoms 3 or complaints of any kind that you associated with 4 taking the medications that Dr. Henson had 5 prescribed for you? 6 A. I was still having the shortness of 7 breath, but like I told you earlier, I couldn't 8 associate it with the medicine because I didn't know 9 whether the medicine was doing it or not. 10 Q. Okay. All right. So you've already told 11 me that you've had shortness of breath going back 12 to '95. 13 A. Uh-huh. 14 Q. So you had that shortness of breath in 15 1999. 16 A. Uh-huh. 17 Q. But what you're telling me is you didn't 18 associate it with these medications? 19 A. No. 20 Q. There have been -- let me back up. If I 21 remember what you told me before lunch, the 22 shortness of breath that you started to experience 23 in '95 you've continued to have episodes of 24 shortness of breath right until the present day. 25 Right?</p>
<p>1 something; but as far as giving out instructions, 2 that's about it -- 3 Q. All right. 4 A. -- like I said. 5 Q. And as I've asked you before, you're not 6 denying or disputing that either Dr. Henson or his 7 nurse, someone who came in and saw you that day, 8 gave you some instructions about diet. You're not 9 denying or disputing that? 10 A. No. 11 Q. Okay. And then there's an indication at 12 the bottom RTO, which I think means return to office, 13 July 14 at 10 o'clock. Do you see that? 14 A. Yes. 15 Q. Now, this is the last note that I've got 16 in the records that were provided to us. Can you 17 tell me why it is that you did not return to see 18 Dr. Henson after the June 18, 2001, visit? 19 A. I think I didn't lose any. The pills 20 just didn't work anymore, so I just didn't go back. 21 Q. All right. Now, you've seen the records, 22 and you know now that you were with Dr. Henson on 23 several occasions in 1999 starting in February, 24 ending in June. And during that time his records 25 indicate that he had you on phentermine and then it</p>	<p>Page 107</p> <p>1 A. Right. 2 Q. Has there been any period for the last 3 nine years where you have -- where those symptoms 4 have gone away where, for example, you had as much 5 as an entire week where you never experienced 6 shortness of breath? 7 A. No. 8 Q. All right. Would you say it's a daily 9 thing, that at least once a day since 1995 you've 10 had at least one occasion every day where you had 11 this feeling of shortness of breath? 12 A. No. 13 Q. All right. So it wouldn't be a daily 14 thing? 15 A. I missed that question. Yes, it would be 16 a daily thing. 17 Q. That's what I was asking. 18 A. Yes. 19 Q. So since 1995 right up to the present 20 you've had at least one episode of feeling short of 21 breath every day? 22 A. Yes. 23 Q. All right. So that's been a constant 24 thing. 25 A. Yes.</p>

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<p>1 Q. Now, we know from looking back at these 2 records that there have been periods of time that 3 you've been on the phentermine medication or the 4 Adipex and there have been times that you've been 5 off the medication.</p> <p>6 A. Right.</p> <p>7 Q. Is that right?</p> <p>8 A. Right.</p> <p>9 Q. And I want to go back and do that all 10 over again. But you understand that what we've 11 talked about here today has included times that 12 you've been off the medication and times that you've 13 been on it?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Have you noticed an improvement in your 16 symptoms during the times that you were off the 17 medication?</p> <p>18 A. No.</p> <p>19 Q. Okay. So the shortness of breath has 20 pretty much stayed the same whether you were on the 21 medication or off the medication?</p> <p>22 A. I think it's worsening. The shortness of 23 breath is worsening. And just like last year -- 24 starting last year I started having chest pains 25 where I have to just sit up in the bed. And then I</p>	<p>Page 110</p> <p>1 under Dr. Henson's care in February -- from February 2 of 1998 through June of 1998. You know how we 3 established that you missed your May appointment? 4 You know, you had been to him in February?</p> <p>5 A. Uh-huh.</p> <p>6 Q. You had been to him in March, you had 7 been to him in April, but then you missed your May 8 visit. Correct?</p> <p>9 A. Right.</p> <p>10 Q. And you were out of medication from May 11 until you went back to Dr. Henson in June. Correct?</p> <p>12 A. Right.</p> <p>13 Q. Do you recall for that month that you 14 weren't taking any weight loss medication, do you 15 remember that your shortness of breath improved, got 16 worse, or stayed about the same?</p> <p>17 A. It stayed about the same. It didn't 18 improve.</p> <p>19 Q. Did you take any weight loss medication 20 of any kind after your last visit with Dr. Henson in 21 June of 2001?</p> <p>22 A. Excuse me. Metabolift or Metabolife 23 one. Metabolift.</p> <p>24 Q. Metabolife?</p> <p>25 A. Yes, Metabolift. One of those.</p>
<p>1 can lay back down after a while, about 15 minutes or 2 so and just calm down and then I just go back to 3 sleep. So the chest pains started like last year.</p> <p>4 Q. So in the last year these symptoms have 5 gotten worse?</p> <p>6 A. Yes.</p> <p>7 Q. And you've had a feeling of more 8 involvement of your heart?</p> <p>9 A. Yes. Yes, sir.</p> <p>10 Q. Well, let's talk about the -- I am going 11 to go back -- and I don't mean to, you know, beat a 12 dead horse here. I'd like to move forward and keep 13 going, but I just -- I do need to backtrack on this. 14 Back when you were seeing Dr. Conner from '92 to '95 15 there were periods of time that you were not on the 16 phentermine medication, either Fastin or Adipex 17 during that three-year period.</p> <p>18 A. Uh-huh.</p> <p>19 Q. Right?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Strike that. You told me you didn't 22 really start getting the shortness of breath until 23 after you had seen Dr. Conner. So I'll withdraw 24 that question. I apologize.</p> <p>25 Let's look at the time that you were</p>	<p>Page 111</p> <p>1 Q. Okay. Is that --</p> <p>2 A. Over the counter.</p> <p>3 Q. Okay. That's an over-the-counter weight 4 loss medication?</p> <p>5 A. Yes.</p> <p>6 Q. Where do you get that?</p> <p>7 A. I got that at Wal-Mart. I tried that.</p> <p>8 Q. How long have you been taking it?</p> <p>9 A. I didn't take it long. I couldn't take 10 those. I got them and I tried them. I maybe took 11 them about a week because they made my heart beat 12 too fast. So I left those alone.</p> <p>13 Q. That's an over-the-counter?</p> <p>14 A. Yes.</p> <p>15 Q. And the name of it is Metabolift?</p> <p>16 A. It's Metabolift or Metabolife. One of 17 those.</p> <p>18 MR. DORSEY: I think it's -- it's also 19 listed as Metabolite too. Metabolite and 20 Metabolife.</p> <p>21 MR. WIENER:</p> <p>22 Q. And you say that you got that on one 23 occasion at Wal-Mart?</p> <p>24 A. Yes.</p> <p>25 Q. And took it for about a week?</p> <p>Page 113</p>

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<p>1 A. Yes.</p> <p>2 Q. Is it a pill?</p> <p>3 A. Yes, it's a pill.</p> <p>4 Q. And how often do you take it?</p> <p>5 A. I was taking it once a day. No, let me</p> <p>6 back that up. You take it three times a day. One</p> <p>7 pill like every four hours.</p> <p>8 Q. And the package that you got from</p> <p>9 Wal-Mart, was it supposed to last you longer than a</p> <p>10 week?</p> <p>11 A. That was like 60 capsules in there. So I</p> <p>12 -- 90 capsules. So I think it was like a month</p> <p>13 supply every day.</p> <p>14 Q. But you quit taking it after a week?</p> <p>15 A. Yes.</p> <p>16 Q. Because you thought it was making your</p> <p>17 heart race?</p> <p>18 A. Right. It was so I left it alone.</p> <p>19 Q. Am I describing that correctly? What was</p> <p>20 it doing to your heart?</p> <p>21 A. Making it beat real fast.</p> <p>22 Q. Okay. And you associated that with the</p> <p>23 medication?</p> <p>24 A. With the?</p> <p>25 Q. With the Metabolife.</p>	<p>Page 114</p> <p>1 A. Yes.</p> <p>2 Q. So sometime June 2002 through the present</p> <p>3 is when you took the Metabolite?</p> <p>4 A. Right.</p> <p>5 Q. This is, of course, June 28, 2004. Did</p> <p>6 you take the Metabolite this year?</p> <p>7 A. No.</p> <p>8 Q. So it was either in 2002 or 2003?</p> <p>9 A. Yes.</p> <p>10 Q. And could you give me a best judgment as</p> <p>11 to which of those years it was?</p> <p>12 A. I'll be guessing. About 2003.</p> <p>13 Q. Well, we're not going to hold you to</p> <p>14 that. I know that you're just giving me the best</p> <p>15 estimate that you've got.</p> <p>16 All right. So just to complete the</p> <p>17 answer to my question, then, after seeing Dr. Henson</p> <p>18 for the last time on June 18, 2001, the only</p> <p>19 occasion since then right up until the present that</p> <p>20 you've taken a medicine for weight loss was when you</p> <p>21 went to Wal-Mart and took that Metabolite for a</p> <p>22 week. Is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. You haven't been to any other doctor?</p> <p>25 A. Not that I recall.</p>	<p>Page 116</p>
<p>1 A. Yes.</p> <p>2 Q. In other words, before you took the</p> <p>3 Metabolife or Metabolite -- strike that. Let me --</p> <p>4 let me ask it a different way. After you started</p> <p>5 taking the Metabolite you started noticing your</p> <p>6 heart beating faster?</p> <p>7 A. Yes.</p> <p>8 Q. And you -- you associated it with the</p> <p>9 medication?</p> <p>10 A. Yes.</p> <p>11 Q. It coincided with your taking the</p> <p>12 medication?</p> <p>13 A. Yes.</p> <p>14 Q. All right. So then other than taking</p> <p>15 that Metabolite that you got from Wal-Mart for one</p> <p>16 week -- and I'm sorry. I didn't ask you. When was</p> <p>17 that? When do you think you got that?</p> <p>18 A. I don't know. I ain't got a clue. I</p> <p>19 don't know. But I had not been to see that doctor</p> <p>20 in over a year after I took it.</p> <p>21 Q. Well, we know you had last saw Dr. Henson</p> <p>22 June of 2001.</p> <p>23 A. Uh-huh.</p> <p>24 Q. You think it was at least a year past</p> <p>25 that?</p>	<p>Page 115</p> <p>1 A. Yes.</p> <p>2 Q. You haven't gotten the medication from</p> <p>3 any other source?</p> <p>4 A. No.</p> <p>5 Q. Not from a friend or anything like that?</p> <p>6 A. No.</p> <p>7 Q. Okay. And your reason for not going back</p> <p>8 to Dr. Henson after you saw him in June 2001 was</p> <p>9 what?</p> <p>10 A. I got tired of driving over there. It</p> <p>11 wasn't working.</p> <p>12 Q. Okay. After stopping your visits to</p> <p>13 Dr. Henson, did you try to do things on your own to</p> <p>14 lose weight?</p> <p>15 A. Yes.</p> <p>16 Q. Did you continue to work on your diet?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Since 2001 to the present have you</p> <p>19 made any permanent changes in your diet that you</p> <p>20 think have been helpful for weight-loss purposes?</p> <p>21 A. Well, I did try the Adkins diet in 2000</p> <p>22 -- the later part of 2001 I did that. And it</p> <p>23 worked, but I gained all that back too. After that</p> <p>24 I didn't do anything else.</p> <p>25 Q. Okay. As of today are you monitoring</p> <p>your diet in a special way?</p>	<p>Page 117</p>

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<p>1 A. No, I don't. I kind of got tired. So 2 no. 3 Q. Okay. And what about exercise? Since 4 seeing Dr. Henson in 2001 have you -- how have you 5 been doing on your walking routine? 6 A. I haven't been doing much. 7 Q. Okay. And as of the present -- say, like 8 for the last week have you done any of your morning 9 or evening walks? 10 A. No. 11 Q. Let me show you the last page of this 12 information that we got from Dr. Henson. It's 13 called Important Notice. 14 MR. WIENER: Have you got that, Brandon, 15 that last page on there? 16 MR. DORSEY: Yes. 17 MR. WIENER: All right. If you'd show 18 that to Ms. Stallings. 19 MS. WIENER: 20 Q. Ms. Stallings, take a moment and read 21 that, please. I want to -- we'll just go off the 22 record because I want you to read this form and then 23 I'm going to ask you some questions about it. So 24 let's just take about a two-minute break while 25 Ms. Stallings reads that. And, Ms. Stallings,</p>	<p>Page 118</p> <p>1 see that? 2 A. Uh-huh, yes. 3 Q. And that's the date of your first visit 4 with Dr. Henson. 5 A. Yes. 6 Q. So that tells me that as part of your 7 initial visit he had you fill out this form with the 8 information that's on here. So let's -- let's go 9 through this. And can you -- let me read the first 10 paragraphs for you and then I'll stop in the 11 middle. This says, "Important notice regarding 12 weight loss medications. Information recently made 13 available indicates that the use of weight reduction 14 medications Pondimin (fenfluramine hydrochloride) 15 and Redux (dexfenfluramine hydrochloride) could 16 produce serious adverse effects to the user's health 17 including possible" -- I think that's supposed to be 18 abnormal. You might have a typo. It says adnormal. 19 But I think it's "possible abnormal heart valve 20 findings (valvular heart disease) and primary 21 pulmonary hypertension (PPH). This office does not, 22 has not, and will not prescribe either of these 23 medications. Instead, we prescribe, when 24 appropriate for a particular patient, phentermine, 25 an entirely different medication. But we are</p>
<p>Page 119</p> <p>1 remember, now, if you want to take a break, you need 2 to, you know, use the restroom, get a drink of 3 water, you just let me know. 4 A. Okay. 5 Q. So if you need to do that now that's fine 6 or if you want to do it after -- after that, that's 7 okay too. 8 MR. WIENER: Let's just take a break for 9 about two minutes. 10 (OFF THE RECORD.) 11 MR. WIENER: 12 Q. Ms. Stallings, have you had a chance to 13 read this last page of what's been marked as Exhibit 14 4, Important Notice Regarding Weight Loss 15 Medications? In the bottom right-hand corner it has 16 a No. 0009. Do you see that? Let's be sure we're 17 looking at the same thing. 18 A. Bottom -- 19 Q. In the bottom right-hand corner. 20 A. Okay. Yes. 21 Q. Does it say 0009? 22 A. Yes. 23 Q. All right. You'll notice that there's a 24 date on here, 8th day of February, 1999. In fact, 25 that date's put on there in two locations. Do you</p>	<p>Page 121</p> <p>1 concerned that our patients may have taken Pondimin 2 and Redux on prescription from another physician. 3 Consequently, we require all patients to disclose 4 whether or not they have taken either Pondimin or 5 Redux. Please initial the box beside the correct 6 answer to the following question: Have you ever 7 taken Pondimin (fenfluramine hydrochloride) or Redux 8 (dexfenfluramine hydrochloride)?" And then there's 9 a place to check yes or check no. Do you see that, 10 Ms. Stallings? 11 A. Yes. 12 Q. All right. Can you tell me how you 13 completed the form? Did you check yes or no or what 14 did you do? 15 A. I said no. 16 Q. All right. You checked no? 17 A. Uh-huh. 18 Q. All right. And the form goes on to say, 19 "If your answer is yes, we will require that you 20 undergo a thorough evaluation by a cardiologist 21 before receiving treatment in this office. A copy 22 of the evaluation must be supplied to us for 23 inclusion in your records. We are constantly 24 concerned about the well-being of our patients. We 25 care about you. Edmond C. Henson, M.D." And then</p>

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<p>1 it says, "Receipt of a copy hereof is acknowledged 2 this 8th day of February, 1999." And then it has 3 "Brenda Stallings, patient signature." Do you see 4 that, Ms. Stallings?</p> <p>5 A. Uh-huh.</p> <p>6 Q. And is that your signature on the form?</p> <p>7 A. Yes, it is.</p> <p>8 Q. All right. And did I read the form 9 correctly as we went through it?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Now, you did not undergo an evaluation by 12 a cardiologist back in February of 1999, did you?</p> <p>13 A. No.</p> <p>14 Q. All right. And you understood that the 15 purpose of this form was Dr. Henson wanted to be 16 particularly aware of whether you had either taken 17 Pondimin or Redux which are other kinds of 18 weight-loss medications than phentermine? You 19 understood that. Right?</p> <p>20 A. Yes.</p> <p>21 Q. And you confirmed to him that you had not 22 taken either of those drugs. Correct?</p> <p>23 A. Yes.</p> <p>24 Q. Now you according to the records and your 25 testimony here today did not take any more</p>	<p>Page 122</p> <p>1 Dr. Henson's office and then take the prescription 2 that he gave you over to the K-Mart Pharmacy in 3 Mobile?</p> <p>4 A. Yes.</p> <p>5 Q. Was the pharmacy pretty close to his 6 office?</p> <p>7 A. Yes.</p> <p>8 Q. All right. About how far away was it?</p> <p>9 A. Oh, really a couple of blocks. Like a 10 block over.</p> <p>11 Q. Was that a pharmacy that you chose or did 12 Dr. Henson or his office recommend that pharmacy?</p> <p>13 A. Oh, they recommend to go there. They 14 said it was close by.</p> <p>15 Q. And did the people there give you good 16 service when you went by there with the 17 prescription?</p> <p>18 A. Yes.</p> <p>19 Q. All right. To your knowledge, have you 20 received prescriptions from any -- and this would be 21 for any medicine, not just weight-loss medication. 22 But is there any other pharmacy that you have used, 23 let's say, since 1990, all right, the last 14 years 24 or so, have you gotten prescription medication at 25 anyplace other than this K-Mart in Mobile or the</p>
<p>Page 123</p> <p>1 weight-loss medication be it phentermine or Adipex 2 after your last visit with Dr. Henson in June of 3 2001?</p> <p>4 A. That's correct.</p> <p>5 Q. All right. Since that time your 6 shortness of breath symptoms have continued on a 7 daily basis. Right?</p> <p>8 A. Yes.</p> <p>9 Q. And they have gotten worse --</p> <p>10 A. Yes.</p> <p>11 Q. -- in the last year?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you recall what pharmacy you 14 used to fill the medications that Dr. Henson 15 prescribed for you?</p> <p>16 A. It was K-Mart. And one of the other 17 stores. I don't remember one of the other ones.</p> <p>18 Q. We have gotten some records from K Mart 19 Pharmacy in Mobile, Alabama --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- that include the phentermine and it 22 looks to be potassium chloride --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- as well. I guess that's that KCL that 25 we saw on those records. So did you go from</p>	<p>Page 125</p> <p>1 Food Max that's inside the -- the pharmacy that's in 2 the Food Max in Starkville?</p> <p>3 A. Uh-huh. It would be City Drugstore.</p> <p>4 Q. Where is that located?</p> <p>5 A. That's in Macon.</p> <p>6 Q. What kind of medication do you recall 7 getting from City Drugs?</p> <p>8 A. Oh, God, I don't know. I'm just going 9 off what -- the question you asked, within 14 years 10 any medicine. I don't know exactly. But it would 11 be that one.</p> <p>12 Q. So is that kind of your home pharmacy?</p> <p>13 A. Yes.</p> <p>14 Q. You know, just whatever miscellaneous 15 thing you might need you might go to the City 16 Drugstore in Macon?</p> <p>17 A. Yes.</p> <p>18 Q. And when you went to see Dr. Henson you 19 used the K-Mart --</p> <p>20 A. Right.</p> <p>21 Q. -- near his office?</p> <p>22 A. Yes.</p> <p>23 Q. And when you were seeing Dr. Conner you 24 went to that Food Max in Starkville?</p> <p>25 A. In Starkville.</p>

<p>1 Q. Let me go over the fact sheet 2 information. 3 MR. WIENER: And maybe if you've got an 4 extra copy of that, Brandon, to -- 5 MR. DORSEY: I'm not sure if I have a 6 copy of the one that was actually filed. 7 MR. WIENER: All right. This would be 8 page 17. 9 MR. DORSEY: I think these are different. 10 MR. WIENER: I may need to come around 11 and look over Ms. Stallings' shoulder. Are you 12 going to be able to hear me? 13 MR. MANSFIELD: Excuse me. Whenever 14 there's a convenient time if y'all could have that 15 pharmacy record faxed to us we would appreciate it. 16 MR. WIENER: All right. The pharmacy 17 record? 18 MR. MANSFIELD: Right. 19 MS. WALKER: Yes, that one from -- 20 MR. MANSFIELD: K-Mart. 21 MR. WIENER: Okay. All right. I'm going 22 to give this to Brandon. And I think that the 23 pharmacy returned it with these little information 24 sheets, but I promise you by the time this one gets 25 faxed you won't be able to read it. But the one --</p>	<p>Page 126</p> <p>1 more than one type of phentermine product please 2 complete this chart, including a description for 3 each separate phentermine product." And then it's 4 got this little table that lists different types of 5 diet drugs. And as I understand it, this 6 handwriting is yours. You filled this out? 7 A. Uh-huh. 8 Q. All right. The first -- the first 9 medication -- and you tell me if I'm wrong. This is 10 the way I'm reading this. The first medication that 11 you listed on here as having taken was phentermine 12 where it says Adipex, white, blue spots, tablet, 13 7/12/93, which was the date first taken. 14 Approximate date last taken, 7/29/94. And it shows 15 Dr. Douglas Conner. Now, above that you've got 16 Dr. Henson -- 17 A. That was an accident. 18 Q. Well, I was going to ask you. That would 19 have been in the section that's for fenfluramine 20 Pondimin, but I didn't -- I didn't interpret it that 21 way. Why don't you tell me. You said it was an 22 accident -- 23 A. Uh-huh. 24 Q. -- that you put Dr. Henson up there? 25 A. Yes. I should have erased it and then go</p>
<p>1 I'm going to just give him the one page that lists 2 the different medications prescribed by Dr. Henson. 3 MS. LIND: Are you able to read the NDC 4 numbers on that? 5 MR. WIENER: Let me look. 6 MS. LIND: The other question is once it 7 gets faxed to us are we going to be able to read the 8 NDC numbers? 9 MR. WIENER: I think so. Yes. I think 10 you'll be able to read everything on this form. 11 MS. LIND: Are those the only pharmacy 12 records that you have? 13 MR. WIENER: I think so. Yes. Yes, 14 that's the only one I've got. 15 (OFF THE RECORD.) 16 MR. WIENER: 17 Q. Thank you. Ms. Stallings, pardon me 18 looking over your shoulder but I want to be sure 19 we're looking at the same information on this 20 particular part of your fact sheet. We're looking 21 at page 17, section 6, Diet Drug Use. This is a 22 little chart that you filled out indicating which 23 weight-loss medications you had been on. It says, 24 "Please complete the following chart with respect 25 to each diet medication you have taken. If you took</p>	<p>Page 127</p> <p>1 back and get that off, white it out, and I forgot to 2 go back and white it out. 3 Q. That's okay. As we I think established 4 earlier today on the records, both Dr. Conner and 5 Dr. Henson both prescribed you Adipex at one time or 6 another. Is that correct? 7 A. Right. 8 Q. But in any event, when you put Dr. Henson 9 up here in this box which would have been across 10 from fenfluramine Pondimin, you didn't mean to do 11 that. That was a mistake? 12 A. That was a mistake. 13 Q. All right. Because, as we discussed a 14 moment ago, on that form that we had with Dr. 15 Henson's office, you didn't take Pondimin, did you? 16 A. No. 17 Q. All right. Then the next phentermine 18 medication that you list is a capsule, blue and 19 white. Is that beads or -- 20 A. Yes. With beads inside. 21 Q. 1999 to 2001, Dr. Henson. And that was 22 correct information? 23 A. Right. 24 Q. And then you have phentermine capsule, 25 clear with blue, 1992 to '95, '99 to 2001,</p>

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<p>1 Dr. Douglas Conner, Dr. Henson.</p> <p>2 A. Right.</p> <p>3 Q. Of course, the 1992 to '95, that goes</p> <p>4 with Dr. Conner. And '99 to 2001, that goes with</p> <p>5 Dr. Henson. Is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. All right. Ms. Stallings, I have</p> <p>8 a record that you underwent something called an</p> <p>9 echocardiogram in April of 2001. And the report</p> <p>10 that came back is from a TriCounty Doctors in</p> <p>11 Kissimmee, Florida. I may not be pronouncing that</p> <p>12 right.</p> <p>13 MR. WIENER: Does anybody know how to</p> <p>14 pronounce that?</p> <p>15 MR. DORSEY: Kissimmee.</p> <p>16 MR. WIENER: Kissimmee?</p> <p>17 MR. DORSEY: Kissimmee.</p> <p>18 MR. WIENER: I'm not even going to try it</p> <p>19 again.</p> <p>20 MR. WIENER:</p> <p>21 Q. Did you go to Florida to do an</p> <p>22 echocardiogram or was it -- was the procedure done</p> <p>23 somewhere else and sent to Florida?</p> <p>24 A. It was done in Columbus --</p> <p>25 Q. Okay.</p>	<p>Page 130</p> <p>1 How many did they have in the group?</p> <p>2 A. I think it was three or four. I'm not</p> <p>3 certain, but three or four peoples.</p> <p>4 Q. And did anybody accompany you when you</p> <p>5 went?</p> <p>6 A. No.</p> <p>7 Q. Just by yourself?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Were there any other people</p> <p>10 there?</p> <p>11 A. Yes, it was.</p> <p>12 Q. Other people getting an echocardiogram?</p> <p>13 A. Yes. Waiting to get an echo.</p> <p>14 Q. And were there any attorneys there as you</p> <p>15 remember?</p> <p>16 A. I didn't see any attorney.</p> <p>17 Q. Not that you know of?</p> <p>18 A. No.</p> <p>19 Q. And you weren't there with an attorney?</p> <p>20 A. No.</p> <p>21 Q. Tell me what happened on the occasion</p> <p>22 where you gave the echocardiogram at the Holiday Inn</p> <p>23 in Columbus.</p> <p>24 A. I just went in and told them I was</p> <p>25 scheduled for the echo. And they sent me to the</p>
<p>1 A. -- and sent to Florida.</p> <p>2 Q. Columbus, Mississippi?</p> <p>3 A. Yes.</p> <p>4 Q. Who performed -- first of all, where was</p> <p>5 it performed?</p> <p>6 A. At the Holiday Inn.</p> <p>7 Q. Okay. And who was there on the occasion</p> <p>8 at the Holiday Inn?</p> <p>9 A. You mean who did it?</p> <p>10 Q. Yes.</p> <p>11 A. Tri whoever. Whoever's on there. What's</p> <p>12 the name of it?</p> <p>13 Q. TriCounty Doctors.</p> <p>14 A. TriCounty Doctors was there. They're the</p> <p>15 one that did it.</p> <p>16 Q. All right. So was it someone who</p> <p>17 appeared to you to be a technician or a nurse or was</p> <p>18 it a physician? Do you remember who it was that did</p> <p>19 the procedure for you?</p> <p>20 A. It appeared to be doctors, but I didn't</p> <p>21 have no proof of it.</p> <p>22 Q. All right. You never got a name?</p> <p>23 A. No.</p> <p>24 Q. How many people were there that it was</p> <p>25 your impression they were with TriCounty Doctors?</p>	<p>Page 131</p> <p>1 room where I should get it done at. I went in and</p> <p>2 he examined me with a -- I don't know what you call</p> <p>3 that machine, but it did like a -- roll it on and</p> <p>4 showed up on the screen or whatever. It was taking</p> <p>5 pictures of it.</p> <p>6 Q. Is that like ultrasound?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. All right. And is that what the</p> <p>9 test consisted of?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. It was just them rubbing some sort</p> <p>12 of medical implement on your chest?</p> <p>13 A. Yes.</p> <p>14 Q. How long did it take them to do that?</p> <p>15 A. About 15 minutes.</p> <p>16 Q. Okay. And that was it?</p> <p>17 A. That was it.</p> <p>18 Q. All right. So the procedure consisted of</p> <p>19 you going into a room and a nurse or a technician</p> <p>20 used this medical device, rubbed it around your</p> <p>21 chest, and you got up and left? That was it?</p> <p>22 A. That was it.</p> <p>23 Q. No discussion with that person that you</p> <p>24 remember?</p> <p>25 A. None.</p>

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<p>1 Q. Did you receive a copy of the report of 2 that echocardiogram? Have you seen it? 3 A. Yes. 4 Q. Okay. Let me show you what has been 5 produced to us as the report of that echocardiogram. 6 MR. WIENER: And, again, we're going to 7 make a nonhighlighted copy for the deposition. 8 A. Okay. 9 MR. WIENER: 10 Q. All right. Have you had a chance to look 11 at that? 12 A. Yes. 13 Q. Do you recall seeing that report before? 14 A. Yes. 15 MR. WIENER: Okay. Let me go ahead and 16 get that marked as the next exhibit. 17 (EXHIBIT NO. 5 MARKED.) 18 MR. WIENER: 19 Q. All right. Ms. Stallings, you see that 20 this report is signed by an "A" -- initial "A" 21 Razzak, R-a-z-z-a-k, Tai, T-a-i, M.D. Have you had 22 any discussions with Dr. Tai about this 23 echocardiogram? 24 A. No. 25 Q. Other than possibly discussing this with</p>	<p>Page 134</p> <p>1 chest pains and stuff started I'm just assuming that 2 that really just had to have something to do with it 3 -- those pills. 4 Q. All right. No doctor has told you that? 5 A. Huh-uh. No. 6 Q. No health provider of any type has told 7 you that? 8 A. No. 9 Q. And you're telling me that in the last 10 year your heart symptoms have gotten a lot worse? 11 A. Yes. 12 Q. And I think one of the symptoms you 13 related to me was that your heart starts beating 14 quickly. 15 A. Uh-huh. 16 Q. Now, you've also mentioned chest pain? 17 A. Yes. 18 Q. When did you start to experience chest 19 pain? 20 A. It was around 2003 when I started having 21 real bad chest pains. 22 Q. Okay. And are you still having them now? 23 A. Yes, they come and go. That chest pain, 24 they come and go. You know, there are sometimes 25 when I just can't even sleep or something. They</p>
<p>1 your attorneys, have you discussed this report with 2 anyone else? 3 A. No. 4 Q. Have you received any echocardiograms or 5 undergone that same testing procedure on another 6 occasion, other than the one we just talked about? 7 A. No. 8 Q. So this occasion when you went to the 9 Holiday Inn in April of 2001 and had the 10 echocardiogram done and it was sent off to Dr. Tai 11 in Florida, that's the one and only time that you've 12 ever had an echocardiogram. Is that correct? 13 A. That's it. 14 Q. Okay. Now, you mentioned this morning 15 that you have a concern for -- that taking diet drug 16 medication may possibly have caused damage to your 17 heart valves. You've made some reference like 18 that. Do I remember that correctly? 19 A. Yes. 20 Q. Tell me about that. When did you develop 21 a concern that you had suffered damage to your heart 22 valves? 23 A. Within the last year or so. 24 Q. Okay. 25 A. You know, it just seemed like when the</p>	<p>Page 135</p> <p>1 come and go. It's not like an everyday thing. 2 Q. Has it gotten better or worse since 2003? 3 A. I'll just say worse. 4 Q. You say worse. And do you experience 5 chest pain at the same time that you're experiencing 6 shortness of breath or do you experience those at a 7 separate -- 8 A. It's separate. It's a separate -- it's a 9 separate thing. 10 Q. Okay. How often have you been having 11 episodes of chest pain? Let's say on a daily 12 basis. Do you think you have an episode of it once 13 a day? 14 A. Huh-uh. Not the chest pain. It's -- I 15 don't know how to put this. It's not a daily thing. 16 It may happen maybe -- I hate to put a time on it 17 because -- 18 Q. That's okay. You've already made it 19 clear you're estimating. So we're not holding you 20 to that. I'm just trying to get a general idea. 21 A. Within a week, maybe once or twice. 22 Q. Describe for me the type of pain it is. 23 First of all, where is it located in your chest? 24 A. Like midways it's a tightness. It's a 25 real tightness. And I really have to gasp for air</p>

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<p>1 too, but it's not like the same as the shortness of 2 breath but I have to try to gasp for air like I'm 3 cut off some kind of way. 4 Q. All right. So you have a feeling of 5 tightness in your chest. 6 A. Yes. 7 Q. And it's -- and it's in the front of 8 your -- 9 A. Yes. It's like a -- 10 Q. -- chest as opposed to in the back? 11 A. Yes. 12 Q. And how long does that feeling of 13 tightness generally last? 14 A. Oh, one time -- I think the longest one 15 was about 15 minutes. 16 Q. Which I'm sure when it's happening that's 17 a long time. 18 A. Yes. 19 Q. Is the usual episode shorter than that? 20 A. Yes, it might be a little. Yes, I 21 guess. I don't know. 22 Q. Is there anything that seems to bring on 23 the chest pain? Any activity that you do? 24 A. No. Sometimes it just happens. 25 Q. Just like your shortness of breath, you</p>	<p>Page 138</p> <p>1 is that something separate from the episodes of 2 shortness of breath and separate from the chest pain 3 or does the light-headedness and dizziness happen 4 while you're having these other things? 5 A. Sometimes it's while I'm having it and 6 then it can be sometimes it just happens. And like 7 I lose my balance or something. 8 Q. So sometimes you get dizzy without first 9 having a shortness of breath or having chest pain? 10 A. Yes. But that's not regular. It just 11 happen. 12 Q. That's infrequent? 13 A. Yes. 14 Q. Something that happens -- what? -- every 15 few months maybe? 16 A. Oh, God.... 17 Q. Hard to say? 18 A. It's hard to say. 19 Q. Okay. And there again, have you sought 20 medical treatment about any dizzy spells that you've 21 had or light-headedness? 22 A. No. 23 Q. What is your financial situation in terms 24 of medical care? I'm not meaning to get into your 25 -- you know, just general finances. But do you</p>
<p>1 could be sitting down? 2 A. Yes. 3 Q. It happens at night when you're sleeping? 4 A. Yes. 5 Q. It happens when you're working? 6 A. Yes. 7 Q. Is there anything that you have found 8 that you can do when you have that feeling of chest 9 pain to make it resolve? 10 A. Not really. Just be creative. Just try 11 to find a way to get some air in. Just sit still 12 for a few minutes and wait until it pass. 13 Q. Have you been to a doctor about these 14 episodes of chest pain? 15 A. No. 16 Q. You're not taking any medication for it? 17 A. No. 18 Q. Have you had any other symptoms in the 19 last year that you think might be associated with 20 taking diet drug medication? You've mentioned 21 shortness of breath. You've mentioned chest pain. 22 Anything else? 23 A. And light-headed and dizziness sometimes, 24 but I don't know if that's associated with it. 25 Q. Does your light-headedness and dizziness,</p>	<p>Page 139</p> <p>1 have -- do you have health insurance? 2 A. Well, now I do. Through my husband I 3 do. But for a while it was just me working with no 4 insurance just on a prayer that nobody got sick. 5 But now I do have it. 6 Q. You're on your husband's insurance -- 7 A. Uh-huh. 8 Q. -- at his job? 9 A. Yes. 10 Q. How long have you been on his insurance? 11 A. Oh, married for seven years. I've been 12 on it about five years. 13 Q. Okay. And that's Kerr Magee where he 14 works. Right? 15 A. Yes. 16 Q. Do they have a pretty good health plan so 17 far as you know? 18 A. Yes. 19 Q. And before you got on your husband's 20 health plan five years ago, you didn't have any type 21 of medical insurance? 22 A. (Shook head negatively.) 23 Q. How did you pay for the visits that you 24 had with Dr. Conner back in '92 to '95? 25 A. Cash.</p>

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<p>1 Q. Just cash. Okay.</p> <p>2 A. (Nodded head affirmatively.)</p> <p>3 Q. And when you were seeing Dr. Henson</p> <p>4 in '99, do you recall how you paid for those visits?</p> <p>5 A. Cash.</p> <p>6 Q. Okay. Do you know whether you're</p> <p>7 eligible for any other type of financial benefits</p> <p>8 through a government program be it Medicaid,</p> <p>9 Medicare? Anything like that?</p> <p>10 A. No.</p> <p>11 Q. You haven't checked it out?</p> <p>12 A. I'm not eligible.</p> <p>13 Q. Not eligible. All right. Let me show</p> <p>14 you a document that was -- that you executed in</p> <p>15 connection with your case that we're talking about</p> <p>16 today. This is an updated list of medical providers</p> <p>17 that apparently you signed on March 31 of this</p> <p>18 year. Let me get you to look at that.</p> <p>19 A. (Reviewed document.)</p> <p>20 Q. All right. Do you recall filling out</p> <p>21 that form and signing it March 31 of this year?</p> <p>22 A. I don't remember it, but I filled out so</p> <p>23 many forms.</p> <p>24 Q. All right. And that's your signature?</p> <p>25 A. That's my signature, yes.</p>	Page 142	Page 144	
<p>1 Q. All right. And you understood at the</p> <p>2 time that that was asking you to update an earlier</p> <p>3 list that you had put together of your medical</p> <p>4 providers?</p> <p>5 A. Uh-huh.</p> <p>6 Q. And so far as you know sitting here today</p> <p>7 have you provided all of the information about the</p> <p>8 physicians and clinics and pharmacies where you have</p> <p>9 gone for -- to take weight-loss medication?</p> <p>10 A. As far as I can recall, yes.</p> <p>11 MR. WIENER: Okay. All right. Let me</p> <p>12 get that marked as the next exhibit, please.</p> <p>13 (EXHIBIT NO. 6 MARKED.)</p> <p>14 MR. WIENER:</p> <p>15 Q. Now, Ms. Stallings, you mentioned earlier</p> <p>16 today and we had started to talk about it a moment</p> <p>17 ago -- you made a specific reference to heart</p> <p>18 valves. And I'm wondering where did you get</p> <p>19 information that diet drugs could cause damage to</p> <p>20 heart valves or that you had suffered potential</p> <p>21 damage to your heart valves?</p> <p>22 A. Well, I can't say I suffer it, but I got</p> <p>23 it out of the -- Wilbur Colom had filed the case for</p> <p>24 me back in '99.</p> <p>25 Q. Right.</p>	Page 143	Page 145	

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<p>1 representative?</p> <p>2 A. Oh, I hate to give -- is it okay to give</p> <p>3 her name?</p> <p>4 MR. DORSEY: Yes.</p> <p>5 A. Reesie Dixon.</p> <p>6 MR. WIENER:</p> <p>7 Q. And what do you mean by "state</p> <p>8 representative"?</p> <p>9 A. I'm just saying who she was. That's</p> <p>10 where I get it from.</p> <p>11 Q. I mean, are you talking about she's in</p> <p>12 the house of representatives?</p> <p>13 A. Yes.</p> <p>14 Q. All right. Is she also an attorney?</p> <p>15 A. No.</p> <p>16 Q. Okay. Do you know if she was working for</p> <p>17 a law firm at the time?</p> <p>18 A. I can't say for definite she was, but I'm</p> <p>19 thinking she was. But I'm not....</p> <p>20 Q. Where was the meeting that you went and</p> <p>21 took the pill bottles and actually signed up?</p> <p>22 A. It was at her office.</p> <p>23 Q. At her office?</p> <p>24 A. In Macon.</p> <p>25 Q. Who else was present at the meeting? I</p>	<p>Page 146</p>	<p>1 nature?</p> <p>2 A. It was about a year -- about two years</p> <p>3 later.</p> <p>4 Q. I see. Now, you've already told me that</p> <p>5 the only other -- I think you've told me the only</p> <p>6 other sort of legal proceeding that you've been a</p> <p>7 party to was that EEOC discrimination matter with</p> <p>8 the Macon City Police. Is that right?</p> <p>9 A. That I gave -- that I was in a deposition</p> <p>10 for.</p> <p>11 Q. Oh, okay. Have you ever been involved in</p> <p>12 another legal claim?</p> <p>13 A. Oh, it was an insurance claim. What was</p> <p>14 the name of it. Combined Insurance, I think.</p> <p>15 Q. What was the nature of it?</p> <p>16 A. They overcharged the clients. And I</p> <p>17 never got anything out of it. It's just my name was</p> <p>18 on it.</p> <p>19 Q. I see. So is it -- was this a situation</p> <p>20 where you signed up in a lawsuit that --</p> <p>21 A. Yes.</p> <p>22 Q. -- lots of other people were signing up?</p> <p>23 A. Yes.</p> <p>24 Q. And the name of the company again was</p> <p>25 what?</p>	<p>Page 148</p>
<p>1 mean, were there any attorneys there?</p> <p>2 A. Yes.</p> <p>3 Q. I don't want to get into what was</p> <p>4 discussed, but I just want to know who was there.</p> <p>5 A. Eason, E-a-s-o-n, Mitchell.</p> <p>6 Q. Okay.</p> <p>7 A. He was there. Just him and her.</p> <p>8 Q. And was anyone there from the Colom Law</p> <p>9 Firm?</p> <p>10 A. He was, Mr. Mitchell.</p> <p>11 Q. That's who -- Mr. Mitchell is?</p> <p>12 A. Yes.</p> <p>13 Q. All right. And did you bring pill</p> <p>14 bottles with you at that time?</p> <p>15 A. Yes.</p> <p>16 Q. All right. And do you recall what</p> <p>17 medications you brought with you?</p> <p>18 A. Phentermines and the Adipex.</p> <p>19 Q. And after that you signed up and were</p> <p>20 advised that a suit had been filed on your behalf?</p> <p>21 A. Yes.</p> <p>22 Q. And it was after that time that you went</p> <p>23 to the courthouse, looked through the court file,</p> <p>24 got some of that background information about diet</p> <p>25 drugs causing heart valve damage and things of that</p>	<p>Page 147</p>	<p>1 A. Combined Insurance.</p> <p>2 Q. Cumbide?</p> <p>3 A. Combine.</p> <p>4 Q. Oh, Combine?</p> <p>5 A. C-o-m-b-i-n-e-d.</p> <p>6 Q. All right. Combined Insurance. So you</p> <p>7 -- who was the law firm that represented you in</p> <p>8 that?</p> <p>9 A. That was Eason Mitchell.</p> <p>10 Q. Okay. Also Colom Law Firm?</p> <p>11 A. Right.</p> <p>12 Q. But your understanding is that the case</p> <p>13 just never materialized?</p> <p>14 A. Right.</p> <p>15 Q. Is the case over so far as you know?</p> <p>16 A. I don't know.</p> <p>17 Q. You don't know?</p> <p>18 A. They don't tell us nothing.</p> <p>19 Q. You didn't give a deposition in that</p> <p>20 case, though?</p> <p>21 A. No.</p> <p>22 Q. All right. Have you been involved in any</p> <p>23 other legal claims?</p> <p>24 A. I think that's it.</p> <p>25 Q. Do you know if a suit was filed on that</p>	<p>Page 149</p>

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<p>1 Combined Insurance matter? Was there a lawsuit 2 filed? 3 A. No, I don't think. I don't know. 4 Q. You don't know? 5 A. I don't know how to answer that. 6 Q. All right. Have you done any other sort 7 of reading or investigation about diet drugs, other 8 than the time you went to look at the court file? 9 A. No. 10 Q. Have you spoken with anybody else, not 11 your attorneys, but have you spoken with 12 Ms. Jackson or any other coworkers, friends, 13 neighbors, anybody -- 14 A. No. 15 Q. -- about diet drugs and problems that you 16 might be having, problems that other people might be 17 having? Any sort of general discussion like that? 18 A. No. 19 Q. So the fact that you're involved in a 20 diet drug case, that's something that you've more or 21 less kept between you and your attorneys? 22 A. Yes. And the girl I used to work with, 23 now. We know because she took it too. So she 24 knows. 25 Q. All right. And that was?</p>	<p>Page 150</p> <p>1 had heart surgery. That was enough to say yes. 2 Q. Tell me about that. Who was the friend 3 who died of heart -- 4 A. Her name was -- 5 Q. -- heart problems? 6 A. -- Angela Harris. She had a heart 7 attack. She died. And another friend of mine that 8 goes to church with me, she had -- she was in this 9 lawsuit thing too, and she had to have surgery -- 10 triple bypass surgery on hers. 11 Q. And did Ms. Harris, the lady that died, 12 had she taken diet drug medication? 13 A. Yes, she had. 14 Q. And does her survivors have a -- did they 15 present a claim on account of her death? 16 A. Well, actually, she had presented a claim 17 but she died like a month after. 18 Q. I see. 19 A. Yes. 20 Q. Did you ever have any discussion with 21 Ms. Harris about diet drugs? 22 A. Not really, no. 23 Q. Were you aware that there was a national 24 class action that involved people who had taken 25 certain diet drugs? Were you -- let me just stop</p>
<p>1 A. Mary Sanders. 2 Q. Mary Sanders. I'm sorry. Where is 3 Ms. Sanders today? I mean, where does she live 4 today? 5 A. In Macon. She's in Macon. 6 Q. Okay. Did you ever keep a diary or 7 journal where you wrote down any information about 8 the symptoms you're experiencing or about going to 9 the doctor or anything like that? 10 A. No. 11 Q. This may be similar to what I've already 12 asked you, but, you know, I asked you if you had 13 done any other investigation or reading. Have you 14 seen any newspaper articles or TV spots or anything 15 on the television about diet drugs? 16 A. Not a whole -- not in detail. Just they 17 might have mentioned something about a drug or 18 something, but I don't remember exactly what it was. 19 Q. But you haven't relied on anything you've 20 seen in the newspaper or the TV -- 21 A. No. 22 Q. -- in deciding to file this suit or -- 23 A. No. 24 Q. -- in testifying today? 25 A. I had a friend to die and another friend</p>	<p>Page 151</p> <p>1 you there. Were you aware that there was a national 2 class action suit involving people who had taken 3 diet drugs? 4 A. I think that's when Ms. Dixon told me 5 about it. 6 Q. Okay. 7 A. That's when I became aware, when she 8 mentioned it. Other than that I haven't heard about 9 it. 10 Q. All right. And did you understand that 11 you would be included in that national class action 12 case which resulted in a settlement unless you chose 13 to what they call opt out; in other words, to break 14 away from that and to not be a part of it? Did you 15 understand that? 16 A. No. 17 MR. WIENER: All right. Well, let me 18 pose this to Brandon. And I know I'm not taking 19 your deposition, Brandon, but in the materials that 20 I've been provided I do not find an Opt-Out form for 21 Ms. Stallings. And so if you've got one I would 22 love to see it. And if not I think it's something 23 we need to address. But I'll keep going. No need 24 to stop while you look through your file. But let 25 me just make that request to you.</p>

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<p>1 MR. WIENER:</p> <p>2 Q. Ms. Stallings --</p> <p>3 MR. WIENER: Have you got it?</p> <p>4 MR. DORSEY: This is the Blue Form. It's</p> <p>5 dated March -- well, it's dated March 12 of '03.</p> <p>6 And it has the echocardiogram attached to it. I</p> <p>7 don't know if you were given a copy of that or not.</p> <p>8 MR. WIENER: Well, Brandon, I think the</p> <p>9 best thing would be let's get a copy or this and</p> <p>10 we'll mark this as an exhibit. I'm not sure if this</p> <p>11 is it or not, quite frankly, but we'll....</p> <p>12 (OFF THE RECORD.)</p> <p>13 MR. WIENER: All right. While we were</p> <p>14 off the record Brandon Dorsey advised me that the</p> <p>15 Page Kruger firm does not have in its files the</p> <p>16 Opt-Out Form that Ms. Stallings may have signed but</p> <p>17 that the form is most probably with the Colom Law</p> <p>18 Firm.</p> <p>19 MR. DORSEY: Correct.</p> <p>20 MR. WIENER: And we'll follow up with</p> <p>21 that after the deposition. In the meantime, I think</p> <p>22 you're having copied for me the form that</p> <p>23 Ms. Stallings filled out for the national settlement</p> <p>24 litigation.</p> <p>25 MR. DORSEY: Correct.</p>	<p>Page 154</p> <p>1 in --</p> <p>2 A. No.</p> <p>3 Q. -- preparation for today's deposition?</p> <p>4 A. No.</p> <p>5 Q. I forgot to ask you, Ms. Stallings. Have</p> <p>6 you ever served in the military?</p> <p>7 A. No.</p> <p>8 Q. Let's talk a little bit about your family</p> <p>9 medical history and try to get through this as</p> <p>10 efficiently as we can. Have you had either a parent</p> <p>11 or a grandparent, a brother, a sister, or a child --</p> <p>12 okay? So that's immediate family.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Parent, grandparent, brother, sister, or</p> <p>15 children who have had any significant heart problems</p> <p>16 like heart murmur, heart attack, heart valve</p> <p>17 problems, heart disease? Anybody in your family</p> <p>18 with that kind of history?</p> <p>19 A. My father had a heart attack.</p> <p>20 Q. Okay. When was that?</p> <p>21 A. This was in 1999.</p> <p>22 Q. All right. And how old was he at the</p> <p>23 time?</p> <p>24 A. Fifty-three.</p> <p>25 Q. And what became of that?</p>
<p>Page 155</p> <p>1 MR. WIENER: All right. Let's go ahead</p> <p>2 and get that marked as the next exhibit. This is</p> <p>3 the Blue Form Diet Drug Settlement with American</p> <p>4 Home Products Corporation, and I believe it was</p> <p>5 signed by Ms. Stallings on March 2 -- I'm sorry,</p> <p>6 March 12 of 2003.</p> <p>7 (EXHIBIT NO. 7 MARKED.)</p> <p>8 MR. WIENER:</p> <p>9 Q. All right. Ms. Stallings, I'm going to</p> <p>10 try and move as quickly as I can. I know it's</p> <p>11 taking awhile to get here. I appreciate your</p> <p>12 working with me.</p> <p>13 Have you kept papers and records about</p> <p>14 your diet drug prescriptions? Is there a place in</p> <p>15 your house where you've kept a file?</p> <p>16 A. No.</p> <p>17 Q. Okay. The information sheets that have</p> <p>18 come from the pharmacy when you got your</p> <p>19 prescriptions filled, have you kept those?</p> <p>20 A. No, I don't have none of that.</p> <p>21 Q. Did you meet with anyone or talk with</p> <p>22 anyone, other than Mr. Dorsey, in preparing for this</p> <p>23 deposition today?</p> <p>24 A. No.</p> <p>25 Q. Did you review any particular documents</p>	<p>Page 157</p> <p>1 A. Well, he had surgery and he ended up</p> <p>2 having another heart attack.</p> <p>3 Q. Is he still alive?</p> <p>4 A. No, he died. He died --</p> <p>5 Q. I'm sorry.</p> <p>6 A. -- of a heart attack.</p> <p>7 Q. Okay. When did he pass away?</p> <p>8 A. 2001, July.</p> <p>9 Q. And where did he live?</p> <p>10 A. He had moved here, Macon, Mississippi.</p> <p>11 Q. What was your father's name?</p> <p>12 A. Chris Macon.</p> <p>13 Q. Chris Macon?</p> <p>14 A. Uh-huh.</p> <p>15 Q. And your understanding of his health</p> <p>16 problems was that he had suffered heart attacks?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know anything more specific than</p> <p>19 that?</p> <p>20 A. That's all I know. That was the cause of</p> <p>21 the death.</p> <p>22 Q. Who was his main treating physician for</p> <p>23 his heart problems?</p> <p>24 A. Oh, God, I don't know. He went to this</p> <p>25 cardiac -- I can't talk. Say it for me. The</p>

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<p>1 cardiac clinic in Meridian.</p> <p>2 Q. Okay.</p> <p>3 A. I don't know if that's the name -- that I</p> <p>4 called it right.</p> <p>5 Q. Did your dad have a problem with his</p> <p>6 weight? Was he overweight?</p> <p>7 A. Yes, he's overweight.</p> <p>8 Q. What was his height and weight before he</p> <p>9 had his first heart attack?</p> <p>10 A. I don't know how much he weighed but I</p> <p>11 know he was overweight. He was about seven one.</p> <p>12 Q. Well, now, seven one, that's Shaquille</p> <p>13 O'Neal's size.</p> <p>14 A. Oops. Oops. No, that's a big one. No,</p> <p>15 no, no, no. He wasn't quite that tall. He tall,</p> <p>16 but he's --</p> <p>17 Q. He was a big man?</p> <p>18 A. He was a big, tall man. But seven one is</p> <p>19 stretching it. That's too tall. Maybe six six. He</p> <p>20 was tall.</p> <p>21 Q. A big man?</p> <p>22 A. Yes.</p> <p>23 Q. And overweight?</p> <p>24 A. Yes.</p> <p>25 Q. Anybody else? Remember, we're talking</p>	Page 158	<p>1 A. Larry Morris.</p> <p>2 Q. And he is where?</p> <p>3 A. In Macon.</p> <p>4 Q. So your mom's doing okay with her high</p> <p>5 blood pressure?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Lung disease?</p> <p>8 A. Nobody.</p> <p>9 Q. Respiratory problems?</p> <p>10 A. No.</p> <p>11 Q. High cholesterol?</p> <p>12 A. My father had high cholesterol. He had</p> <p>13 that.</p> <p>14 Q. Was he taking medication for it?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know what he was on?</p> <p>17 A. No, sir, I don't.</p> <p>18 Q. Stroke?</p> <p>19 A. No.</p> <p>20 Q. Diabetes?</p> <p>21 A. No.</p> <p>22 Q. Kidney problems?</p> <p>23 A. No.</p> <p>24 Q. Pulmonary hypertension?</p> <p>25 A. Is that blood pressure?</p>	Page 160
<p>1 about --</p> <p>2 A. Close relatives.</p> <p>3 Q. Yes. Close relatives with those kind of</p> <p>4 significant heart problems. Anybody else?</p> <p>5 A. He's the only one that --</p> <p>6 Q. All right.</p> <p>7 A. -- I know of.</p> <p>8 Q. Then let me mention a couple of other</p> <p>9 type of major health problems and see if anybody</p> <p>10 else in your immediate family had any of these.</p> <p>11 Hypertension or high blood pressure?</p> <p>12 A. My mother.</p> <p>13 Q. Your mother?</p> <p>14 A. Uh-huh.</p> <p>15 Q. All right. Is she still alive?</p> <p>16 A. Yes, she's still alive.</p> <p>17 Q. And how long has she had high blood</p> <p>18 pressure?</p> <p>19 A. Ever since I was a kid. Twenty years or</p> <p>20 more.</p> <p>21 Q. Is she treating it with medication?</p> <p>22 A. Yes.</p> <p>23 Q. Does it seem to be under control?</p> <p>24 A. Yes.</p> <p>25 Q. Who is her main treating physician?</p>	Page 159	<p>1 Q. No, no something different.</p> <p>2 A. I don't know about that one. No.</p> <p>3 Q. Okay. If I've already asked you you just</p> <p>4 tell me and don't answer it again, but I need to ask</p> <p>5 you, what's your current weight?</p> <p>6 A. About 280.</p> <p>7 Q. Okay. All right. I'm not going to</p> <p>8 repeat what I've already asked. Is your -- your</p> <p>9 weight I know is higher than you want it to be. Is</p> <p>10 that having an impact on you either at work or in</p> <p>11 your daily activities or at home or in your social</p> <p>12 life?</p> <p>13 A. Well, it bothers me to weigh.</p> <p>14 Q. Okay. It bothers you to be --</p> <p>15 A. It just bothers me to be --</p> <p>16 Q. -- heavier than you want to be?</p> <p>17 A. Yes. Just to be overweight it bothers</p> <p>18 me.</p> <p>19 Q. All right. So that's kind of an</p> <p>20 emotional or psychological thing?</p> <p>21 A. Yes.</p> <p>22 Q. What about as far as physically? Your</p> <p>23 weight is probably as high, as I appreciate it, as</p> <p>24 it's been.</p> <p>25 A. Yes.</p>	Page 161

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<p style="text-align: right;">Page 162</p> <p>1 Q. What is that doing to you physically? Is 2 it making you tired and.... 3 A. Well, I be tired a lot. 4 Q. Okay. What else? 5 A. Like I said, I don't know is the weight 6 connected to it or the pills, but the shortness of 7 breath. I can't really say it's the weight. 8 Q. I understand. But you're concerned that 9 the shortness of breath might have been caused by 10 the diet drug medication. And then, again, you're 11 concerned that your weight condition may be causing 12 you to be short of breath too? 13 A. It could be. I don't know. 14 MR. WIENER: I've gotten a note to call 15 me secretary right away. So I assume it's important. 16 And I'm just going to take a short break. 17 (OFF THE RECORD.) 18 MR. WIENER: 19 Q. All right. Thank you. And again, my 20 apologies to all concerned for that last 21 interruption. 22 Ms. Stallings, have we covered today all 23 of the different methods that you've tried to 24 regulate your weight since your visit to Dr. Conner 25 in 1992? In other words, you've been on medication,</p>	<p style="text-align: right;">Page 164</p> <p>1 shots. That's it. 2 Q. How long did you do that? 3 A. I did that three months. 4 Q. Okay. 5 A. About three months. 6 Q. And was it effective? 7 A. Oh, yes, it worked. I just gained it 8 back. 9 Q. It's just hard to stay on it? 10 A. Yes, yes. 11 Q. So when did you do that in 2003? 12 A. Oh, gosh. Dates is my big problem. I 13 believe it was February until May. 14 Q. All right. Have you done anything else 15 other than -- 16 A. That was the last thing I did, that one. 17 Q. Okay. Had you previously been to a 18 Weight Watchers of Jenny Craig type program? 19 A. Years ago I went to Nutri Slim -- 20 NutriSystem. 21 Q. Where was that located? 22 A. In Columbus. 23 Q. How long were you in that program? 24 A. I didn't stay in that long. About a 25 month or two. About two months at the most.</p>
<p style="text-align: right;">Page 163</p> <p>1 you've had efforts at dieting, you've had efforts at 2 exercise, you had the over-the-counter medication at 3 Wal-Mart. Is there anything else that you've done 4 in an effort to control your weight? 5 A. That's it. 6 Q. For example, have you ever been to a 7 weight loss facility like Jenny Craig or Weight 8 Watchers or anything like that? 9 A. I forgot. I totally forgot. I went to 10 Physicians Weight Loss last year. 11 Q. Physicians Weight Loss? 12 A. Yes. 13 Q. What is that? 14 A. It's like Medifast. You've heard of 15 Medifast? Trying shakes and different with the 16 package meals. 17 Q. But that's a place where you go? 18 A. Yes. 19 Q. Where is it located? 20 A. In Columbus. 21 Q. And it's called Physicians Weight Loss? 22 A. Uh-huh. 23 Q. And tell me what their program involved. 24 A. They got packaged foods, no medication. 25 It's just packaged food. And they give you B-12</p>	<p style="text-align: right;">Page 165</p> <p>1 Q. Did that involve any prescription 2 medication? 3 A. No medication, just packaged foods. 4 Q. Tell me what sort of work you do around 5 the house. Do you do laundry -- do laundry for the 6 children and that sort of thing? 7 A. I do some cleaning -- cleaning and -- 8 yes, laundry. Most of the time they do it 9 themselves and clean their room, making beds and 10 stuff. 11 Q. You do the cooking for the children? 12 A. Yes. 13 Q. Do you work out in the yard at all, 14 gardening -- 15 A. I can't now. 16 Q. -- and things like that? 17 A. Not now, no. 18 Q. Okay. Too difficult for you? 19 A. Yes. 20 Q. All right. Let me just review with you 21 some of your health history. We have some records 22 that we have obtained. In January of 1998, you had 23 a biopsy of your left breast. 24 A. Uh-huh. 25 Q. And what was the result of all that?</p>

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<p>1 A. It was benign.</p> <p>2 Q. You had presented -- you had a mass of</p> <p>3 some kind in your left breast?</p> <p>4 A. Yes.</p> <p>5 Q. After the biopsy it was determined to be</p> <p>6 benign and you needed no further treatment?</p> <p>7 A. Right.</p> <p>8 Q. Have you had any further problems in that</p> <p>9 regard?</p> <p>10 A. No.</p> <p>11 Q. All right. I'm looking at some records</p> <p>12 from the Primary Care Clinic in Macon, and this is I</p> <p>13 think from May 29 of '01. And there is a Dr. Haider</p> <p>14 listed on here, H-a-i-d-e-r. Let me show -- these</p> <p>15 are records that we got from Noxubee General</p> <p>16 Hospital. The date of the record custodian's</p> <p>17 affidavit is November 6, 2003. Let me show this to</p> <p>18 Brandon.</p> <p>19 Ms. Stallings, this record indicates that</p> <p>20 you were an outpatient at Noxubee General on May 29</p> <p>21 of 2001, and the symptom that you presented with</p> <p>22 according to this record is palpitations and that</p> <p>23 you did see a Dr. Haider. Do you recall that</p> <p>24 episode? Do you remember going to the hospital or</p> <p>25 to the clinic in Macon with complaints of</p>	<p>Page 166</p> <p>1 anything. I just told them I didn't want to do</p> <p>2 anything. I just went home and went to sleep. I</p> <p>3 didn't let them do anything, other than that test.</p> <p>4 Q. Did you have any follow-up with</p> <p>5 Dr. Haider?</p> <p>6 A. Huh-uh.</p> <p>7 Q. So just that one visit?</p> <p>8 A. Yes.</p> <p>9 Q. He didn't give you any medication?</p> <p>10 A. Huh-uh.</p> <p>11 Q. Bear with me. Okay. Now, other than</p> <p>12 going in for that biopsy on your left breast, have</p> <p>13 you ever been hospitalized?</p> <p>14 A. No more than childbirth.</p> <p>15 Q. Okay. Just childbirth?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Have you ever had any other occasions</p> <p>18 than that episode in 2001 when you had heart</p> <p>19 palpitations where you had to go to the emergency</p> <p>20 room?</p> <p>21 A. I think I went once for -- it wasn't</p> <p>22 nothing serious. Just a cyst under my arm. I had</p> <p>23 to go get that cut because it was hurting bad.</p> <p>24 Q. I remember seeing some records where</p> <p>25 someone maybe suspected it might have even been an</p>
<p>1 palpitation in 2001?</p> <p>2 A. Yes.</p> <p>3 Q. What do you remember --</p> <p>4 MR. WIENER: Let me get this record</p> <p>5 marked as the next exhibit. Let's give the reporter</p> <p>6 a moment to do that.</p> <p>7 (EXHIBIT NO. 8 MARKED.)</p> <p>8 MR. WIENER:</p> <p>9 Q. What do you remember about that episode?</p> <p>10 A. I was in church and I had sudden, real</p> <p>11 fast heartbeat and I collapsed, you know.</p> <p>12 Q. All right.</p> <p>13 A. And I had to go by ambulance to the</p> <p>14 emergency room.</p> <p>15 Q. And do you remember seeing Dr. Haider on</p> <p>16 that occasion?</p> <p>17 A. I think it was him. I'm not really sure.</p> <p>18 Q. Okay. Well, that's what the note</p> <p>19 indicates, H-a-i-d-e-r.</p> <p>20 A. Yes.</p> <p>21 Q. And what did he do for you?</p> <p>22 A. They ran an EKG. I think that's what it</p> <p>23 was.</p> <p>24 Q. Okay. Okay. Good.</p> <p>25 A. They didn't give me any medicine or</p>	<p>Page 167</p> <p>1 insect bite.</p> <p>2 A. Yes, I thought it was.</p> <p>3 Q. Did that resolve? Was there any problems</p> <p>4 with that?</p> <p>5 A. No problem with that either.</p> <p>6 Q. You just had a place up under your left</p> <p>7 arm in the left armpit region that was giving you</p> <p>8 trouble?</p> <p>9 A. Right.</p> <p>10 Q. And all that resolved?</p> <p>11 A. Yes. Yes. And once my back -- I hurt my</p> <p>12 back, and I went to the emergency room for that.</p> <p>13 Q. About when was that?</p> <p>14 A. I believe that was way back, like '89, '90.</p> <p>15 Q. Okay.</p> <p>16 A. Somewhere along in there.</p> <p>17 Q. Have you ever had any surgery?</p> <p>18 A. Just tubal ligation. That's not really</p> <p>19 -- they did it laser.</p> <p>20 Q. Uh-huh. Tubal ligation?</p> <p>21 A. Yes.</p> <p>22 Q. When was that done?</p> <p>23 A. 1990.</p> <p>24 Q. 1990?</p> <p>25 A. 1990.</p>

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<p>1 Q. All right. So that's the -- have we 2 covered all of the surgeries and hospitalizations 3 that you've had? 4 A. As far as I can think, yes. 5 Q. Have you ever been told that your 6 cholesterol was high? 7 A. No. 8 Q. So far as you know is it okay? 9 A. Yes. 10 Q. And have you been diagnosed with any 11 other medical problems that we haven't talked about 12 today, thyroid or stroke, you know, rheumatic fever, 13 hepatitis, you name it? 14 A. No. 15 Q. Have we talked about all of your medical 16 conditions -- 17 A. Yes. 18 Q. -- thus far? 19 A. Yes. 20 Q. And right now you're not under any 21 doctors' care? 22 A. No. 23 Q. You're not regularly seeing a physician? 24 A. No. 25 Q. You don't have any medical condition that</p>	<p>Page 170</p> <p>1 some of these, like Prozac, Zoloft, some of those 2 medications? I'm sure you've heard of those. 3 A. Yes, I've heard of them. 4 Q. But you've never taken anything like 5 that? 6 A. No, I've never taken them. 7 Q. Okay. All right. Because I've got to do 8 my job I've got to ask you, have you ever used 9 illegal or illicit drugs? 10 A. No. 11 Q. Okay. What about any intravenous drugs? 12 A. What is that? 13 Q. Drugs that are injected into your -- 14 A. Oh, no. 15 Q. -- bloodstream. 16 A. No. 17 Q. Now, you might have -- I think you told 18 me you might have had an EKG on the occasion in 2001 19 when you had the heart palpitations. 20 A. Yes. 21 Q. You've told me you had the one 22 echocardiogram in April of '01. That's the only one 23 you've had. Right? 24 A. Right. 25 Q. Have you had any other diagnostic tests</p>
<p>1 is giving you problems, other than what we've 2 already talked about that you're having shortness of 3 breath, chest pain? 4 A. That's it. 5 Q. But there's nothing else that we haven't 6 talked about already? 7 A. No. 8 Q. You're not taking any medication today? 9 A. No. 10 Q. Are you a smoker? 11 A. No. 12 Q. Have you ever been a smoker? 13 A. No. 14 Q. And what about alcohol consumption? 15 A. No, I don't drink. 16 Q. Not at all? 17 A. Not at all. 18 Q. Okay. Have you ever -- 19 A. No, sir. 20 Q. -- partaken of alcohol? 21 A. No, sir. 22 Q. Have you ever had -- have you ever taken 23 any medication for anxiety or depression? 24 A. No. 25 Q. Okay. You're familiar with the names of</p>	<p>Page 171</p> <p>1 other than that and the breast biopsy? 2 A. That's it. 3 MR. WIENER: All right. Well, hopefully, 4 I'm getting -- getting close to the end. I tell you 5 what I'm going to do. I think that I've covered 6 just about everything I had in mind for 7 Ms. Stallings. With your permission to move things 8 along, Brandon, why don't I let the other attorneys 9 ask any questions they might have. 10 MR. DORSEY: Okay. 11 MR. WIENER: And then I'm going to be 12 looking through my outline instead of making 13 everybody wait for me to do so. 14 MR. DORSEY: Okay. 15 MR. WIENER: And then if I have some 16 follow-up I'll do that if that's okay. 17 MR. DORSEY: That's fine. 18 MR. WIENER: Is that okay with the 19 attorneys on the line? 20 MR. MANSFIELD: That's great. 21 MR. WIENER: All right. Well, I'll leave 22 it to you. Which one of you want to ask 23 Ms. Stallings any questions? 24 MR. MANSFIELD: All right. I'll go 25 ahead.</p>

<p>1 EXAMINATION</p> <p>2 BY MR. MANSFIELD:</p> <p>3 Q. Ms. Stallings, my name is Ken Mansfield.</p> <p>4 I'm going to try my best not to repeat what's</p> <p>5 already been covered, but I do need to ask you some</p> <p>6 follow-up questions. You testified that you've been</p> <p>7 prescribed diet drugs by three different doctors,</p> <p>8 and that's been gone over at length now. With</p> <p>9 regard to Dr. Conner, the only place you had those</p> <p>10 drugs -- those prescriptions filled that you can</p> <p>11 remember was Food Max in Starkville. Is that right?</p> <p>12 A. Yes. And I might have gotten one or two</p> <p>13 at City Drugstore.</p> <p>14 Q. Okay. You may have gotten one or two</p> <p>15 there.</p> <p>16 A. Yes.</p> <p>17 Q. Now, is my understanding of your</p> <p>18 testimony correct that you cannot describe for us in</p> <p>19 any way what the -- what you call the Fastin or the</p> <p>20 Adipex looked like that were prescribed by</p> <p>21 Dr. Conner?</p> <p>22 A. I think I remember those Adipex.</p> <p>23 Q. Okay. Well, go ahead and describe that</p> <p>24 for me.</p> <p>25 A. Like an oval-type pill with little blue</p>	<p>Page 174</p> <p>1 Q. That was my question.</p> <p>2 A. Okay.</p> <p>3 Q. Was it a drugstore in Mobile?</p> <p>4 A. Yes, it was.</p> <p>5 Q. Okay. Do you remember where it was</p> <p>6 located?</p> <p>7 A. It was at one of those grocery stores</p> <p>8 like, but I can't remember the name of it.</p> <p>9 Q. Okay. Looking at the pharmacy record</p> <p>10 that was produced from K-Mart pharmacy, it looks</p> <p>11 like it's got three of the five prescriptions that</p> <p>12 you received from Dr. Henson. Now, according to</p> <p>13 Dr. Henson's records he prescribed phentermine for</p> <p>14 you on five occasions.</p> <p>15 A. Okay.</p> <p>16 Q. You've got that record there if you need</p> <p>17 to verify that. And then on this pharmacy record</p> <p>18 from K-Mart it looks like you had a prescription</p> <p>19 filled for 30 milligrams phentermine on February 8,</p> <p>20 1999. Do you see that?</p> <p>21 MR. DORSEY: You said February 8?</p> <p>22 MR. MANSFIELD: Right.</p> <p>23 MR. DORSEY: 1999?</p> <p>24 MR. MANSFIELD: Right. That's the very</p> <p>25 first one.</p>
<p>1 dots on them.</p> <p>2 Q. Okay. An oval type. And it was a solid</p> <p>3 pill not a capsule?</p> <p>4 A. Now, that was solid with the dots in it.</p> <p>5 Q. An oval solid pill with blue dots?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Okay. Now, when you were prescribed</p> <p>8 Adipex by Dr. Henson, do you remember what that</p> <p>9 looked like?</p> <p>10 A. They was capsules.</p> <p>11 Q. Okay. And let me rephrase, by the way,</p> <p>12 because I understand your testimony that you did not</p> <p>13 realize before looking at the records today from</p> <p>14 Dr. Henson that he ever prescribed Adipex for you.</p> <p>15 Correct?</p> <p>16 A. Right.</p> <p>17 Q. I mean, based on your memory you have no</p> <p>18 recollection that he ever prescribed Adipex for</p> <p>19 you. Correct?</p> <p>20 A. Yes. Correct.</p> <p>21 Q. Okay. And the drugs that were prescribed</p> <p>22 by Dr. Henson I believe you stated were filled at</p> <p>23 the K-Mart pharmacy in Mobile and then you said one</p> <p>24 other drugstore.</p> <p>25 A. Yes, but I can remember which one it was.</p>	<p>Page 175</p> <p>1 A. Okay.</p> <p>2 MR. MANSFIELD:</p> <p>3 Q. Do you see that?</p> <p>4 A. Yes, on the doctor's paper. This is not</p> <p>5 the pharmacy.</p> <p>6 Q. Okay. Now, I'd like you to look at the</p> <p>7 pharmacy record.</p> <p>8 MR. DORSEY: You want the pharmacy</p> <p>9 records?</p> <p>10 A. The pharmacy records.</p> <p>11 MR. MANSFIELD: I'd really like for her</p> <p>12 to have both.</p> <p>13 MR. DORSEY: You mean the pharmacy record</p> <p>14 from K-Mart?</p> <p>15 MR. MANSFIELD: Yes. That's the only</p> <p>16 pharmacy records I'm aware of that we have.</p> <p>17 MR. DORSEY: Okay. We got them.</p> <p>18 A. Okay.</p> <p>19 MR. WIENER: I have found -- not to</p> <p>20 confuse things, but I just want you to know I have</p> <p>21 -- we have been provided with a single pharmacy</p> <p>22 record from back in '95 when Dr. Conner was</p> <p>23 prescribing Fastin and hydrochlorothiazide. So</p> <p>24 we'll send that to you. I have found that.</p> <p>25 MR. MANSFIELD: Okay. And that's the</p>

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<p>1 only thing on it?</p> <p>2 MR. WIENER: Yes. The only thing on</p> <p>3 there is 4/27/95, Douglas Conner, Fastin, 30</p> <p>4 milligrams. And then same date, 4/27/95, Douglas</p> <p>5 Conner, hydrochlorothiazide, 256 -- I'm sorry, 25</p> <p>6 milligrams. Go ahead, Ken. I'm sorry.</p> <p>7 MR. MANSFIELD: Sure. Thank you.</p> <p>8 MR. MANSFIELD:</p> <p>9 Q. All right. Ms. Stallings, do you have</p> <p>10 Dr. Henson's records and the K-Mart pharmacy record</p> <p>11 there?</p> <p>12 A. Yes. Yes, I do.</p> <p>13 Q. According to Dr. Henson's records, he</p> <p>14 prescribed phentermine at 30 milligrams phentermine</p> <p>15 for you the first time on February 8, 1999.</p> <p>16 Correct?</p> <p>17 A. Right.</p> <p>18 Q. And that was filled it appears at the</p> <p>19 K-Mart pharmacy. Correct?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Then he prescribed 30 milligram</p> <p>22 phentermine on March 8, 1999. Correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And that's also shown as having been</p> <p>25 filled at the K-Mart pharmacy. Correct?</p>	<p>Page 178</p> <p>1 Q. Okay. So that, I guess, is one that you</p> <p>2 had filled at another store?</p> <p>3 A. At another store, yes.</p> <p>4 Q. At another place?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And then the next record in</p> <p>7 Dr. Henson's records is June 7, '99, and that --</p> <p>8 just like the April 6 it has phentermine, 30</p> <p>9 milligrams typed in and then crossed out, and Adipex</p> <p>10 is written in handwriting above it. Correct?</p> <p>11 A. Right. Uh-huh.</p> <p>12 Q. And then there is a prescription for</p> <p>13 phentermine 37.5 milligrams that was filled at the</p> <p>14 K-Mart pharmacy on that date, 6/7/99. Correct?</p> <p>15 A. That's right.</p> <p>16 Q. That's the one that we're looking at on</p> <p>17 this pharmacy record. That's the one that is</p> <p>18 referred to in Dr. Henson's record as Adipex.</p> <p>19 A. Okay.</p> <p>20 Q. As far as you know that's correct.</p> <p>21 Right?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Now, do you remember what that</p> <p>24 pill looked like?</p> <p>25 A. That pill was a capsule with beads inside</p>
<p>1 A. That's right.</p> <p>2 Q. And then there's -- the next prescription</p> <p>3 was April 6, 1999, and it appears that that was</p> <p>4 typed in again as a 30 milligram phentermine but</p> <p>5 then somebody crossed out and handwrote on the</p> <p>6 record Adipex.</p> <p>7 A. Okay.</p> <p>8 Q. Correct? Is that what you see?</p> <p>9 A. Wait a minute. That's on the doctor's</p> <p>10 record or the.... What are we looking at now?</p> <p>11 MR. DORSEY: Are you talking about the</p> <p>12 doctor's record?</p> <p>13 MR. MANSFIELD: Yes.</p> <p>14 MR. DORSEY: All right. Are you talking</p> <p>15 about -- which page? Which date?</p> <p>16 MR. MANSFIELD: April 6, 1999.</p> <p>17 A. Okay.</p> <p>18 MR. DORSEY: All right. We got it.</p> <p>19 MR. MANSFIELD:</p> <p>20 Q. Am I correct that's what that shows?</p> <p>21 A. Yes, that's what it shows.</p> <p>22 Q. Okay. And there's not a prescription</p> <p>23 filled for that date on this K-Mart pharmacy</p> <p>24 record. Correct?</p> <p>25 A. Okay. That's correct.</p>	<p>Page 179</p> <p>1 it. Blue and white with the little beads inside. I</p> <p>2 think I'm right. I'm not sure.</p> <p>3 Q. Okay. You think but you're not sure?</p> <p>4 Tell me this: Do you know whether that pill -- and</p> <p>5 I'm talking about the one that you got filled on</p> <p>6 June 7, '99 -- was the same as the one you had</p> <p>7 gotten the previous month or rather two months</p> <p>8 earlier prescribed on April 6, 1999? And tell me if</p> <p>9 you understand my question.</p> <p>10 A. Okay.</p> <p>11 MR. DORSEY: Let me just object to the</p> <p>12 form of the question. I think it's kind of</p> <p>13 confusing. And also, I also want to object -- I</p> <p>14 mean, she's repeatedly said, you know, she really</p> <p>15 didn't remember what the pill looked like. I mean,</p> <p>16 the pharmacy records are here and the pharmacy</p> <p>17 record clearly distinguishes, you know, what she was</p> <p>18 prescribed on a particular date. So I think any</p> <p>19 repeated questions as to what the pill looked like I</p> <p>20 think is really useless. I mean, she said that she</p> <p>21 don't really remember.</p> <p>22 MR. MANSFIELD: Well, Brandon, I</p> <p>23 appreciate that, but that's what I started with, and</p> <p>24 she corrected me and told me that she did remember</p> <p>25 what some of them looked like, and that's the reason</p>

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<p>1 I'm going through this exercise.</p> <p>2 MR. MANSFIELD:</p> <p>3 Q. But my question at this point is whether 4 or not she knows whether this pill that she got on 5 6/7/99 which is referred in Dr. Henson's records as 6 Adipex whether or not that pill appeared to her to 7 be the same pill that she was -- that she received 8 two months earlier that was prescribed on April 6, 9 1999, and also referred to in Dr. Henson's records 10 as Adipex.</p> <p>11 MR. DORSEY: If you don't know you don't 12 know.</p> <p>13 A. I don't know.</p> <p>14 MR. MANSFIELD:</p> <p>15 Q. Okay. All right. The prescription that 16 you got from Dr. Dean Haider in Macon, do you 17 remember where that was filled?</p> <p>18 A. That was City Drugstore.</p> <p>19 Q. All right. Do you remember what that was 20 or what it looked like?</p> <p>21 A. I remember it was phentermine and it was 22 blue and clear with the beads inside.</p> <p>23 Q. Okay. All right. And those are all of 24 the diet drugs you've gotten -- right? -- those from 25 Dr. Conner, Dr. Haider, and Dr. Henson?</p>	<p>Page 182</p> <p>1 whatever y'all call it.</p> <p>2 Q. Okay. Are you aware of anybody who has 3 ever been damaged or harmed by taking either 4 phentermine or Adipex?</p> <p>5 MR. DORSEY: Before she answers let me 6 object to the form of the question.</p> <p>7 MR. MANSFIELD: Okay.</p> <p>8 MR. DORSEY: You can answer it.</p> <p>9 A. Okay. Yes.</p> <p>10 MR. MANSFIELD:</p> <p>11 Q. Okay. Tell me about that.</p> <p>12 A. I might need to change that. I don't 13 know which pill. All I know is I had a friend to 14 die from taking it and another one had to have 15 surgery.</p> <p>16 Q. Okay.</p> <p>17 A. And I don't know which one of the pills 18 it was.</p> <p>19 Q. Okay. You don't know if it was actually 20 phentermine or Adipex or if they may have taken 21 something else?</p> <p>22 A. I don't know.</p> <p>23 Q. Okay. All right. Thank you, 24 Ms. Stallings.</p> <p>25 A. You're welcome.</p>
<p>Page 183</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And as far as Adipex is concerned, 3 the ones that you got from Dr. Conner I believe you 4 said were oval, white with blue specks.</p> <p>5 A. Right.</p> <p>6 Q. And the ones you got from Dr. Henson you 7 don't really remember what they looked like.</p> <p>8 A. Right.</p> <p>9 Q. And I'm talking about the Adipex.</p> <p>10 A. Right.</p> <p>11 Q. Thanks. Now, has anybody -- and I'm 12 talking about any doctor or medical personnel or 13 professional ever told you that you had been harmed 14 or damaged in any way by your taking Adipex?</p> <p>15 A. No.</p> <p>16 Q. Has any doctor or other medical 17 professional ever told you that you have been 18 damaged or harmed in any way by taking phentermine?</p> <p>19 A. No.</p> <p>20 Q. Okay. And am I correct -- and I'm going 21 off of your testimony earlier -- that your basis for 22 believing that you may have been harmed stems from 23 what you saw out of your court file?</p> <p>24 A. And the way I'm feeling now with the 25 shortness of breath and the heart palpitations,</p>	<p>Page 185</p> <p>1 MR. WIENER: Ken, before the next 2 attorney goes it occurred to me maybe we should make 3 the pharmacy records an exhibit since we both talked 4 about them.</p> <p>5 MR. MANSFIELD: Yes, please do. I 6 thought they had been.</p> <p>7 MR. WIENER: Yes. The next exhibit is 8 going to be the printout we got from K-Mart pharmacy 9 No. 7435 in Mobile. And it's the sheet that you've 10 been asking Ms. Stallings about together with the 11 information sheets for phentermine capsules and the 12 potassium chloride capsules. And I'll show those to 13 Brandon first. Let's get this marked as the next 14 exhibit.</p> <p>15 (EXHIBIT NO. 9 MARKED.)</p> <p>16 MR. WIENER: All right. And then the 17 next exhibit -- that was just marked as Exhibit 18 No. 9. The next exhibit is from the Food Max Super 19 Center in Starkville, Mississippi, a cover letter 20 from Bruno's Supermarkets and then the printout on 21 the last page which has 0005 in the right-hand 22 corner. This shows the prescriptions issued by 23 Dr. Douglas Conner on 4/27/95 which is the Fastin 30 24 milligrams and the hydrochlorothiazide 25 milligrams 25 that I talked about earlier.</p>

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<p>1 MR. MANSFIELD: All right. And we don't 2 have any pharmacy records from City Drugstore. 3 Correct?</p> <p>4 MR. WIENER: I don't. And I don't think 5 any have been produced here today.</p> <p>6 MR. MANSFIELD: All right. That's all I 7 have.</p> <p>8 EXAMINATION</p> <p>9 BY MS. WALKER:</p> <p>10 Q. This is Molly Walker. Ms. Stallings, can 11 you hear me?</p> <p>12 A. Yes, I can.</p> <p>13 Q. I represent SmithKline Beacham 14 Corporation. I have a few questions for you, mainly 15 about Fastin. Now, from your medical records it 16 looks like you were prescribed Fastin four times: 17 On February 13 of 1992, March 12 of 1993, April 26 18 of 1993, and April 27 of 1995, all by Dr. Conner. 19 Do you know of any other times that you received 20 prescriptions for Fastin?</p> <p>21 A. Not that I can remember.</p> <p>22 Q. Do you remember what the Fastin looked 23 like?</p> <p>24 A. No, I don't.</p> <p>25 Q. Do you remember if it looked like any of</p>	<p>Page 186</p> <p>1 in Starkville. 2 Q. Okay. You only picked up your 3 prescriptions for Fastin at the Food Max? 4 A. And one or two at City Drugs. 5 Q. Okay. Anywhere else? 6 A. That's it. 7 Q. Have you had any conversations with any 8 representative of SmithKline Beacham Corporation? 9 A. No. 10 Q. Have you ever received any correspondence 11 or written materials from SmithKline Beacham 12 Corporation? 13 A. No. 14 MS. WALKER: That's all I have. Thank 15 you.</p> <p>16 EXAMINATION</p> <p>17 BY MS. LIND:</p> <p>18 Q. This is Kaara Lind. Can you hear me? 19 A. Yes, I can. 20 Q. The phentermine that was prescribed to 21 you by Dr. Henson on July -- I mean, excuse me, on 22 June 18, 2001, do you recall what that phentermine 23 looked like? 24 A. I'm thinking it was blue, the clear with 25 the beads inside.</p>
<p>1 the other pills that you took? 2 A. I don't remember. 3 Q. Okay. Did you always take all of the 4 prescription? 5 A. Yes, I did. 6 Q. Do you have any bottles left that contain 7 Fastin? 8 A. I had. I gave them to the first lawyer 9 that took the case. I don't have them. They claim 10 they lost them, so I don't know where they are. 11 Q. Okay. And those bottles were for Fastin? 12 A. Amphetamines. 13 Q. Okay. And you had these prescriptions 14 filled at City Drugstore and Food Max. Did you have 15 your Fastin prescription filled anywhere else? 16 A. Just K-Mart and the.... 17 Q. The K-Mart -- I thought that those were 18 the prescriptions from Dr. Henson. 19 A. I'm getting mixed up on all these pills, 20 now. 21 Q. Okay. I'm sorry. We're just talking 22 about Fastin right now. 23 A. Oh, Fastin. Okay. 24 Q. Uh-huh. 25 A. All right. That would have been the one</p>	<p>Page 187</p> <p>1 Q. Are you currently taking any prescription 2 medication? 3 A. No, ma'am. 4 MS. LIND: Thank you. That's all the 5 questions I have. 6 MR. WIENER: I have no further questions. 7 Does the plaintiff have any questions? 8 MR. DORSEY: I have a few questions. 9 EXAMINATION</p> <p>10 BY MR. DORSEY:</p> <p>11 Q. Ms. Stallings, throughout the deposition 12 you've indicated that as a result of taking diet 13 medication that you have experienced shortness of 14 breath. Is that correct? 15 A. Yes. 16 MR. WIENER: I'm going to object to the 17 form. 18 BY MR. DORSEY: 19 Q. Okay. You can answer. 20 A. Yes. 21 Q. Okay. How has shortness of breath 22 affected your daily living? 23 A. I'm not able to play with the kids. 24 Like, we used to play basketball together and go on 25 long trips together and clean up and do yard work.</p>

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<p>1 I can't do all of that now.</p> <p>2 Q. Okay. You also -- you also indicated</p> <p>3 that you may have experienced some symptoms of</p> <p>4 dizziness as well.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. The shortness of breath that you</p> <p>7 experienced, do you more frequently experience it in</p> <p>8 the morning time or in the nighttime?</p> <p>9 A. Shortness of breath, basically during the</p> <p>10 whole day.</p> <p>11 Q. Okay.</p> <p>12 A. It's just during the whole day.</p> <p>13 Q. Okay. All right.</p> <p>14 A. Different times in the day.</p> <p>15 Q. Have you -- have you received any medical</p> <p>16 attention for the shortness of breath?</p> <p>17 A. No, I haven't.</p> <p>18 Q. Is there any reason why you have not</p> <p>19 received medical attention?</p> <p>20 A. I have a big fear of having heart surgery</p> <p>21 because I had to watch my father go through it, and</p> <p>22 I got a big fear of might having to do that, and I</p> <p>23 have to support my kids.</p> <p>24 Q. Okay. Just moments ago Mr. Wiener asked</p> <p>25 you a question about -- well, I'm not sure if</p>	<p>Page 190</p> <p>1 diet drugs?</p> <p>2 A. None of them did.</p> <p>3 Q. Did any pharmacist advise you as to any</p> <p>4 side effects that may be associated with the</p> <p>5 ingestion of diet drugs?</p> <p>6 A. No, they didn't.</p> <p>7 Q. Okay. Also, earlier in your deposition</p> <p>8 you indicated that another symptom of taking diet</p> <p>9 drugs is that you experience a loss of sexual drive.</p> <p>10 Is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. All right.</p> <p>13 MR. WIENER: I'm sorry. Could you say</p> <p>14 your question again.</p> <p>15 MR. DORSEY: Let's get the court reporter</p> <p>16 to read it back.</p> <p>17 MR. WIENER: Yes, I just --</p> <p>18 MR. DORSEY: To make sure it's accurate.</p> <p>19 THE COURT REPORTER: Earlier in your</p> <p>20 deposition you indicated that another symptom of</p> <p>21 taking diet drugs is that you experienced a loss of</p> <p>22 sexual drive. Is that correct?</p> <p>23 MR. WIENER: All right. And I'm going to</p> <p>24 object to the form because similar to my previous</p> <p>25 objection I don't think Ms. Stallings has in her own</p>
<p>Page 191</p> <p>1 Mr. Weiner asked you or if another attorney asked</p> <p>2 you what knowledge you have with respect to other</p> <p>3 people taking diet drugs. You indicated that a</p> <p>4 friend of yours had passed away.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And what was your friend's name?</p> <p>7 A. Angela Harris.</p> <p>8 Q. And you knew Ms. Harris to have taken</p> <p>9 diet drugs?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. How did it make you feel when</p> <p>12 Ms. Harris passed away?</p> <p>13 A. Well, I felt very worried that it could</p> <p>14 happen to me and what would my kids do without me</p> <p>15 being there. So I had to more or less just take</p> <p>16 action. And if this caused a problem, at least my</p> <p>17 kids -- if I don't be around to see it my kids would</p> <p>18 be able to. It will help them.</p> <p>19 Q. When you were initially -- well, whenever</p> <p>20 you were prescribed diet drugs, did any physician</p> <p>21 discuss with you any side effects that may come with</p> <p>22 taking the diet drugs?</p> <p>23 A. None of them did.</p> <p>24 Q. Did any physician advise you that</p> <p>25 shortness of breath may be a side effect of taking</p>	<p>Page 193</p> <p>1 testimony told us that she reached the conclusion in</p> <p>2 her own mind that diet drugs caused her any symptoms.</p> <p>3 I understood her testimony to be that she is</p> <p>4 concerned based on what she has heard and read and</p> <p>5 other people's experiences she is concerned that</p> <p>6 diet drugs may have caused her symptoms. And on</p> <p>7 that basis I'm objecting that you're</p> <p>8 mischaracterizing her testimony.</p> <p>9 MR. DORSEY:</p> <p>10 Q. Ms. Stallings, before taking diet drugs</p> <p>11 did you experience a loss or a decrease in sexual</p> <p>12 drive?</p> <p>13 A. No.</p> <p>14 Q. Okay. After you ingested diet drugs did</p> <p>15 you experience a loss or decrease in sexual drive?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. The loss or decrease in your</p> <p>18 sexual drive, what effect, if any, did it have on</p> <p>19 your marriage?</p> <p>20 A. It resulted in him leaving a few times.</p> <p>21 We separated twice.</p> <p>22 Q. Okay. And how long did those periods of</p> <p>23 separation last?</p> <p>24 A. Once for six months and one two months.</p> <p>25 Q. Okay. Have you and your husband now</p>

<p>1 since reconciled?</p> <p>2 A. Yes.</p> <p>3 Q. Earlier in your testimony you indicated</p> <p>4 that you operated as a hairstylist.</p> <p>5 A. Yes.</p> <p>6 Q. And you have your own business.</p> <p>7 A. Yes.</p> <p>8 Q. And earlier you testified that you have</p> <p>9 experienced shortness of breath.</p> <p>10 A. Yes.</p> <p>11 Q. Is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. My question to you, ma'am, is how has --</p> <p>14 how have the experiences of shortness of breath</p> <p>15 affected if at all your performance at work?</p> <p>16 A. I had to kind of cut the clientele in</p> <p>17 half. Where I used to do so many a day I had to cut</p> <p>18 them down to like eight -- anywhere from eight to</p> <p>19 nine a day and cut my hours because I used to work</p> <p>20 until two in the morning. But due to this I have to</p> <p>21 stop doing it.</p> <p>22 Q. Earlier Mr. Wiener was asking you some</p> <p>23 questions about a prescription you may have received</p> <p>24 for high blood pressure, and it was later noted that</p> <p>25 that medication was also used as a diuretic as</p>	<p>Page 194</p> <p>1 Q. All right. Mr. Wiener also asked you</p> <p>2 some questions about your echocardiogram that was</p> <p>3 performed I think in April '01 I think. Here it is.</p> <p>4 It's been marked as Exhibit No. 5 to your deposition.</p> <p>5 Do you remember testifying about that exhibit?</p> <p>6 A. Yes.</p> <p>7 Q. All right. In April of '01,</p> <p>8 Ms. Stallings, were you experiencing shortness of</p> <p>9 breath?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Since April of '01 have your</p> <p>12 experiences of shortness of breath -- have they</p> <p>13 increased or have they decreased or are they</p> <p>14 generally about the same?</p> <p>15 A. They've increased.</p> <p>16 Q. They've increased?</p> <p>17 A. Yes.</p> <p>18 Q. In April of 2001 when you underwent the</p> <p>19 echocardiogram, were you experiencing chest pains?</p> <p>20 A. At that time I wasn't.</p> <p>21 Q. All right. Since April of 2001 have your</p> <p>22 episodes or experiences of chest pain, have they</p> <p>23 increased, decreased, or basically stayed the same?</p> <p>24 A. Increased.</p> <p>25 MR. DORSEY: Okay. I believe that's</p>
<p>1 well.</p> <p>2 A. Uh-huh.</p> <p>3 Q. When you were prescribed these</p> <p>4 medications was it your understanding that you had</p> <p>5 been diagnosed with high blood pressure?</p> <p>6 A. No.</p> <p>7 Q. Okay. When you were provided that</p> <p>8 medication -- when you were provided that medication</p> <p>9 what was your understanding as to why you were being</p> <p>10 given that in addition to the diet drugs?</p> <p>11 A. Well, it wasn't explained to me. I</p> <p>12 thought it was just a combination drug for diet. I</p> <p>13 didn't know it was a different -- whole different</p> <p>14 one.</p> <p>15 Q. Okay. All right. So it's your testimony</p> <p>16 that the physician who prescribed it to you he</p> <p>17 didn't describe or explain to you what the purpose</p> <p>18 for the meds were?</p> <p>19 A. No, he didn't. No, he didn't.</p> <p>20 Q. But it was your understanding that it was</p> <p>21 for --</p> <p>22 A. Just weight.</p> <p>23 Q. Okay. And to this day has any physician</p> <p>24 diagnosed you with having high blood pressure?</p> <p>25 A. No.</p>	<p>Page 195</p> <p>1 all.</p> <p>2 FURTHER EXAMINATION</p> <p>3 BY MR. WIENER:</p> <p>4 Q. I just have a little follow-up to what</p> <p>5 Mr. Dorsey asked you, Ms. Stallings. When was it</p> <p>6 that you began to cut back on your clientele at your</p> <p>7 hairstyling place?</p> <p>8 A. It started about midway of 2002.</p> <p>9 Q. Okay. And you say as of today you've cut</p> <p>10 back to where your clientele is approximately half</p> <p>11 of what it was before you started cutting back in --</p> <p>12 A. Pretty much.</p> <p>13 Q. -- mid 2002?</p> <p>14 A. Pretty much.</p> <p>15 Q. And in terms of numbers, tell me how that</p> <p>16 shakes out on a daily or weekly basis when you say</p> <p>17 it's half of your former clientele.</p> <p>18 A. On a weekly basis?</p> <p>19 Q. Yes. Or daily. Whatever is the most</p> <p>20 reliable number that you can give me.</p> <p>21 A. I do anywhere between eight to nine heads</p> <p>22 -- customers a day.</p> <p>23 Q. All right. You're seeing eight or nine</p> <p>24 fewer heads per day?</p> <p>25 A. Oh, you mean fewer?</p>

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<p style="text-align: right;">Page 198</p> <p>1 Q. You tell me what you're talking about. 2 A. Per day -- 3 Q. Yes. 4 A. -- I do eight to nine clients. 5 Q. Okay. Where you used to do 16 or 17? 6 A. Where I used to do 16 and sometime 20. 7 Q. And you started cutting back in mid 2002? 8 A. Uh-huh. 9 Q. Was it gradual or was that a time when 10 you kind of cut it in half? 11 A. Well, it was gradual. And around about 12 2003 it just went -- I just got to cut it off 13 because.... 14 Q. And so ever since sometime in 2003 you've 15 been seeing eight or nine customers a day where you 16 used to see 16, 17, even 20? 17 A. Yes. 18 Q. All right. What sort of records do you 19 have in your business that would corroborate the 20 number of clients that you have seen? 21 A. I have the sign in, where they sign in. 22 Q. You've got an appointment book? 23 A. Yes. 24 Q. What else? How do you -- what about 25 your -- how do you account for your business? Do</p>	<p style="text-align: right;">Page 200</p> <p>1 records -- your bank records -- and they're in your 2 personal name -- right? -- 3 A. Uh-huh. 4 Q. -- the name of Brenda Stallings, we would 5 see a drop in the deposits because you don't see as 6 many people as you used to? 7 A. It should show that, yes. 8 Q. Do you -- have you filed federal and 9 state income tax returns for the year 2002 and 2003? 10 A. Yes. 11 Q. Okay. And do you feel comfortable that 12 your tax returns also show a drop in your gross 13 revenue over what it was in years' past? 14 A. Yes. 15 Q. Okay. Is there any particular clients or 16 people that you work with that are familiar with 17 what you're talking about and what we've been 18 talking about in terms of you cutting back on your 19 clientele? In other words, who else is aware that 20 you've cut back? Who are some people that I could 21 talk to that would say oh, yes, I know Ms. Stallings 22 has cut back in the last couple of years. 23 A. Well, I didn't explain why I did it. I 24 don't know. I don't know. 25 Q. Oh, you're not sure of anybody who could</p>
<p style="text-align: right;">Page 199</p> <p>1 you get paid in cash -- 2 A. Yes. 3 Q. -- as well as in -- by checks? 4 A. Cash and checks. 5 Q. Cash and checks. Do you also take credit 6 cards? 7 A. No. 8 Q. You do not? 9 A. No. 10 Q. And do you deposit the moneys that you 11 receive in a certain bank account? 12 A. Yes. Just in my personal account. 13 Q. Okay. It all goes into personal 14 accounts? 15 A. Yes. 16 Q. And where do you maintain your personal 17 account? 18 A. At Citizens National Bank. 19 Q. In? 20 A. Macon. 21 Q. And do you -- have you -- before I get 22 off of that, have you maintained an account at 23 Citizens Bank in Macon since prior to 2002? 24 A. Yes. 25 Q. All right. And so if we looked at the</p>	<p style="text-align: right;">Page 201</p> <p>1 -- who knows about that? 2 A. No, not and just verify it straight off. 3 MR. WIENER: That's all I've got. 4 Anybody else have any other questions? 5 Maybe before we get through I just wanted 6 to confirm some of the follow-up items because it's 7 Wyeth's position that we are adjourning this 8 deposition. It's my hope that we won't have to 9 bring you back, Ms. Stallings. Certainly, I'll do 10 everything possible to avoid that. Never the less, 11 there's a couple of records that are missing that we 12 may want to question Ms. Stallings about further. 13 And, as I said, hopefully, we won't have to do it. 14 If it has to be done, hopefully, it will be short. 15 We won't go over anything we've already discussed. 16 But here's what I've got. First of all, 17 I think in Dr. Conner's records there's some 18 question whether we've got his complete records as 19 we go from '92 to '93. So we'll follow up with his 20 office about that. We don't have the record of 21 Ms. Stallings seeing Dr. Haider for weight loss in 22 1998. We don't -- we haven't had the benefit today 23 of looking at her Opt-Out form. And Brandon has 24 advised that that is probably with the Colom Law 25 Firm. We don't have the records from the City</p>

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Deposition of Brenda Stallings

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<p>1 Drugstore in Macon. 2 And I think, also, Brandon, if 3 Ms. Stallings is making a claim actually for lost 4 wages associated with her taking of diet drugs then 5 it seems to me with we'd be entitled to whatever 6 documents might pertain to that or support that 7 which would include her bank records. 8 And again, Ms. Stallings, not trying to 9 pry into your personal life, but if you make this an 10 issue in the case I think we're entitled to those 11 records. 12 A. I'll go on the record saying I'm not 13 making a claim for it. I had not initially done it 14 and I'm not making a claim for it. 15 MR. WIENER: All right. So you're not 16 making a claim for lost wages? 17 A. Right. I'm not. 18 MR. DORSEY: And I'm not sure that, you 19 know, that that's been pled either, but I just -- 20 you know, in the course of the deposition I just 21 wanted to, you know, bring out that because of her 22 shortness of breath how it affected her work not so 23 much to make a claim for lost wages because, again, 24 I'm not sure if that's been pled. But I just wanted 25 to make that clear on the record.</p>	<p>Page 202</p> <p>1 CERTIFICATE 2 I, KELLYE S. SHOWS, Court Reporter and 3 Notary Public, Madison County, Mississippi, hereby 4 certify that the foregoing pages contain a full, 5 true and correct transcript of the testimony of 6 Brenda Stallings as taken by me by means of 7 Stenograph machine at the time and place heretofore 8 stated in the aforementioned matter and later reduced 9 to transcript form by me to the best of my skill and 10 ability. 11 I further certify that I placed the witness 12 under oath to truthfully answer all questions in this 13 matter under the authority vested in me by the State 14 of Mississippi. 15 I further certify that I am not related 16 to or in any way associated with any of the parties 17 to said cause of action, or their counsel, and that 18 I am not interested in the event hereof. 19 IN WITNESS WHEREOF, I have hereunto set 20 my hand this the 9th day of July, 2004. 21 22 _____ 23 Kellye S. Shows, C.S.R. 24 #1290 25 My Commission Expires January 15, 2008</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 203</p> <p>1 MR. WIENER: All right. Well, I think 2 it's -- Ms. Stallings has said that it's her 3 intention not to make a claim for lost wages, and I 4 would think that would be binding on her. To the 5 extent that her attorneys don't regard that as 6 binding and you intend to present a claim for lost 7 wages, then we would request production of 8 Ms. Stallings' bank records I would think back to 9 the year 2000 along with her federal and state tax 10 returns to the present. 11 But Ken and Molly and Kaara, are there 12 any other missing or follow-up items that I didn't 13 mention a moment ago? 14 MS. WALKER: I think you covered it. 15 MR. MANSFIELD: Yes. The only other 16 thing would be if we can figure out what drugstore 17 she had prescriptions filled out in Mobile, and then, 18 obviously, we're missing some before April '95. 19 MR. WIENER: Yes. 20 MR. MANSFIELD: That's it. 21 MR. WIENER: Okay. Well, we'll try to 22 follow up on that ourselves. Thank you all. 23 (DEPOSITION RECESSED AT 4:13 P.M.) 24 25</p>